599 folios
22 Maps
621

1867

U.S. Sup. Ct. no. 130

SUPREME COURT OF THE UNITED STATES.

No. ~~309~~, 196. 130.

THE UNITED STATES, APPELLANTS,

vs.

JULIAN WORKMAN AND ELISHA O. CROSBY.

APPEAL FROM THE DISTRICT COURT UNITED STATES FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

GOVERNMENT PRINTING OFFICE.

1269

SUPREME COURT OF THE UNITED STATES.

No. 309.

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1 OFFICE OF THE BOARD OF COMMISSIONERS to ASCERTAIN AND SETTLE THE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

Be it remembered, that on this second day of March, anno Domini one thousand eight hundred and fifty-three, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Julian Workman et al. for the place named mission San Gabriel was presented and ordered to be filed and docketed with No. 697, and is as follows, to wit:
(Vide page 3 of this transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

SAN FRANCISCO, *March* 29, 1854.

In case No. 697, Julian Workman et al. for the ex-mission of San Gabriel, the counsel for the claimants filed the following stipulation, to wit:
(Vide page 61 of this transcript.)

SAN FRANCISCO, *June* 15, 1854.

In the same case the deposition of Lemuel Carpenter, a witness on behalf of the United States, taken before Commissioner Alpheus Felch, was filed.
(Vide page 5 of this transcript.)

SAN FRANCISCO, *July* 21*st*, 1854.

In the same case the deposition of James S. Wait, a witness on behalf of the United States, taken before Commissioner G. T. Burrell.
(Vide page 19 of this transcript.)

SAN FRANCISCO, *January* 2*d*, 1845.

Case No. 697 was ordered to be placed at the foot of the 4th class cases on the trial docket.

2 SAN FRANCISCO, *Jan'y* 25, 1855.

In the same case the deposition of N. A. Den, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, with document marked Exhibit No. 1, A. F., annexed thereto, was filed.
(Vide page 11 of this transcript.)

SAN FRANCISCO, *March* 20, 1855.

In the same case the counsel for the claimants filed the following stipulation, to wit:
(Vide page 61 of this transcript.)

SAN FRANCISCO, *March* 27, 1855.

In the same case the counsel for the claimant filed the deposition of David W. Alexander, a witness on behalf of the claimant, taken before Myron Norton, esq., county judge of Los Angeles county, in accordance with the stipulation at the foot thereof.
(Vide page 12 of this transcript.)

SAN FRANCISCO, *June* 26, 1855.

In the same case Commissioner S. B. Farwell delivered the opinion of the board, confirming the claim.
(Vide page 63 of this transcript.)

3 *In the same case Commissioner S. B. Farwell delivered the opinion of the board, confirming the claim.*
(Vide page 63 of this transcript.)

And the following order was made, to wit:
(Vide page 67 of this transcript.)

Petition.

4 To the honorable the board of U. S. land commissioners appointed to settle private land claims in California:

The petition of Julian Workman and Elisha O. Crosby respectfully represents:

That on or about the 8th day of June, A. D. 1846, Pio Pico, then governor of California, in the name of the Mexican nation, by virtue of authority in him vested by the laws of Mexico then in force, the authority given him by the departmental assembly for the alienation of the missions, and the instructions and authority conferred upon him by the supreme gov't of Mexico, as well as the laws, usages, and customs of the country affecting grants and sales of lands and property in California, and also to liquidate and pay certain debts and liabilities of the government, the said Pico granted, sold, and conveyed in full property unto Workman and Prefecto Hugo Reid the ex-mission of San Gabriel, with all the appurtenances which at that time *recoured* and considered as appertaining to the same, whether they consist in lands, improvements, real estate, or cattle, all of which matters and things are more particularly mentioned and described in the papers and maps relating to said grant, sale, and alienation, a part of which are now on record in the archives of the U. S. surveyor general for California, and others to be produced and proved; that a copy of said grant, sale, and alienation is herewith filed as part of this petition.

And your petitioners further state, that juridical possession was duly given to said Reid and Workman of all of said mission San Gabriel, whether buildings, vineyards, orchards, gardens, or lands, and other property, and they remained in peaceable and quiet possession of said property until they were forcibly ejected by soldiers under the orders and command of an officer or officers of the U. S. government.

And your petitioners further state, that at the time of said grant, sale, and alienation, said Reid and Workman were large creditors of said government, and that the sale of said mission San Gabriel to them was in all respects fair and genuine, and for its full value at that time honestly paid by said Reid and Workman; all of which facts your petitioners expect to prove before your honorable board before the final hearing of this claim.

And your petitioners further state, that said Reid sold and conveyed all his right, title, and interest in and to said mission San Gabriel, and its appurtenances, unto E. O. Crosby, by deed, dated September 29, 1852, a copy of which is herewith filed as part of this petition.

There is no conflicting claim thereto known to your petitioners of a just legal nature, and the evidence upon which your petitioners rely to support this claim consists of records in the archives in custody of the U. S. surveyor general for California, original papers and maps relating to said grant, sale, and alienation, to be produced and proved, and the testimony of witnesses to be produced before your honorable board.

Your petitioners, therefore, pray confirmation of title to all the lands mentioned and described in said grant, sale, and alienation, with all appurtenances, therein described.

And your petitioners pray leave to file an amendment to this petition, as well as any further papers they may deem proper, at any time before final submission of this claim for the decision of your honorable board.

All of which your petitioners submit for such action as the nature and justice of this claim may require.

E. O. CROSBY,
For Julian Workman and himself, of counsel.
ASSOCIATE COUNSEL.

Filed in office March 2, 1853.
(Signed) GEO. FISHER, *Sec'y.*

UNITED STATES LAND COMMISSION,
San Francisco, June 15, 1854.

On this day, before Commissioner Alpheus Felch, came Lemuel Carpenter, a witness in behalf of the United States, in case No. 697, in which case Julian Workman et al. are claimants of a place called San Gabriel, who, after being duly sworn, deposed as follows:

Questions by Mr. McKune, law agent.

1st question. Please state your name, age, and place of residence.

7 Answer. My name is Lemuel Carpenter, my age is forty-seven years, and I reside in Los Angeles county.

2d question. Are you acquainted with the mission of San Gabriel? if yea, state how long you have known it, and where you have resided during that time.

Answer. I am acquainted with it. I have known it twenty years. during which time I have resided in Los Angeles county, having been absent only one year, which I spent in the mines; my residence has been about 12 miles from the mission.

3d question. In whose possession has that mission been ever since you knew it, and by whom occupied?

Answer. I never knew it in the possession of any person, except the priests of the mission, and the Indians belonging to the mission, until after the Americans came in. There was one man living there, and had a house and lot, and vineyard just above the mission. His name was Hugo Reid. I do not know what else he had to do with the mission.

4th question. Was you acquainted with the padres of the mission, and with their administration of the financial affairs of said

8 mission?

Answer. I had some little acquaintance with the padres, and knew them when I saw them. Until the Americans came in, they had the management of the affairs of the mission. Since the Americans got possession of the country, I do not know who has had the management of them.

5th question. Do you know whether the mission ever became indebted to private individuals? State what you know on the subject.

Answer. I know but little about it, but I always understood they were considerably in debt.

6th question. How far was said Reid's vineyard from said mission?

Answer. About two miles, as near as I can judge. It was situated in a northwardly direction from the mission.

(Mr. Crosby objects to the question and answer.)

7th question. Who has been the reputed owner of the mission lands during the time you have known the mission?

Answer. It was always claimed by the mission until the Americans came in. It is now all squatted over. It was reputed to belong to the priests and the Indians who lived on it. It was considered

9 the priests' property, or mission property. I have heard that Mr. Workman and Mr. Reid had a claim on the mission, but I never saw any documents about it. I never heard anything of their claim until after the Americans took possession of the country and hoisted the American flag.

(Mr. Crosby objects to the question and answer.)

8th question. Have Workman or Reid ever had possession of the mission or mission lands?

Answer. If ever they were put into juridical possession of it, is more than I know. Reid lived in the mission the last eight years, until he died. He had a house in which he lived, which was in the mission, about three or four hundred yards from the church.

9th question. Do you know Pio Pico, formerly governor of California; if yea, where did he reside in the summer and fall of 1846?

Answer. I knew him from the time he was made governor until he left California, which was in June or July, 1846, and just before Commodore Stockton arrived at Los Angeles and took it. He resided in Los Angeles until he left the country.

10th question. Did you, at that time, know Julian Work-
10 man?

Answer. I have known said Workman ever since 1842.

11th question. Do you know anything of his paying said Pico a visit after the first of June, 1846? If yea, when and what were the circumstances?

Answer. I do not know of his paying him any visit. I saw Pico the day before he left, but did not know that he was going to leave until he had left.

12th question. Did Workman or Reid ever, to your knowledge, set up any claim to said lands before Pico left; or did they ever take any possession of the land after he left more than they did before?

Answer. I do not recollect that I heard of their having any claim there until after he left. I think it was some six months after he left when I first heard of their claim. They never took any possession more than they had before, as I know, only they tried to keep people off from the land. I was living during that year on my farm, about twelve miles from the mission. I was not often at the mission during that year.

Questions by Mr. Howard, att'y for claimant.

1st question. Do you know anything of Reid's cultivating land in 1846 at said mission?

Answer. I do not know anything about it, only that he had some fruit trees which he planted about his house. I do not know
11 in what year he planted them. He cultivated some land at his vineyard, which was about two miles from the mission.

2d question. Had Reid a family; if yea, where did they reside?

Answer. He had a family; they resided with him at the mission, and were sometimes at the vineyard. They have resided since Reid's death in the mission.

Questions by Mr. McKune.

1st question. Were the fruit trees mentioned above planted before or after the occupation of the country by the Americans?

Answer. Some of them were there and bearing fruit before the Americans came into the country. Some of them are quite small, and, I think, have been planted since.

2d question. Were the fruit trees on the lot or solar where Reid lived on, before the Americans came into the country?

Answer. They were all that I have any knowledge of in that lot.

3d question. Are they on the premises now claimed in this case; if not, how far from it?

12 Answer. The trees are on the lot, about two or three hundred yards from the church; but I do not know what premises are claimed in this case.

LEMUEL CARPENTER.

Subscribed and sworn to before me this fifteenth day of June, 1854.

ALPHEUS FELCH,
Commissioner.

Filed in office June 15, 1854.
(Signed) GEO. FISHER, *Sec'y.*

13 *Deposition of N. A. Den.*

UNITED STATES LAND COMMISSIONERS,
San Francisco, Jan. 25, 1855.

On this day, before Commissioner Alpheus Felch, came Nicolas A. Den, a witness on behalf of claimants Julian Workman et al., in case No. 697, who, after being duly sworn, deposed as follows:

Questions by Mr. Crosby, attorney for the claimant.

1st question. Please state your name, age, and place of residence.

Ans. My name is Nicolas A. Den, my age forty-four years, and my residence Santa Barbara, California.

2d question. Please look on the paper, now here presented to you, marked "Exhibit No. 1," with the initials A. F., purporting to be a grant by Governor Pico to Hugo Reid and Julian Workman, of the ex-mission of San Gabriel, and annexed to this deposition, and state whether you are acquainted with the handwriting of said Pico and and José Matias Moreno appearing on such document are their true and genuine signatures.

Answer. These are the true and genuine signatures of said Pico and Moreno. I have seen both of them write frequently, and know their handwriting.

N. A. DEN.

14 Mr. Blanding, associate law-agent, was present at the taking of this deposition on the part of the United States.

Subscribed and sworn to before me the 25th day of January, 1855.

ALPHEUS FELCH,
Commissioner.

Filed in office January 25, 1855.
(Signed) GEO. FISHER, *Sec'y.*

Affidavit of D. W. Alexander.

STATE OF CALIFORNIA,
Los Angeles county, ss:

I, David W. Alexander, of the city and county of Los Angeles, do hereby declare and state on oath that sometime in the month of September or October, in the year A. D. 1852, I made a tender, at the request of E. O. Crosby, esq., grantee and purchaser of the interest of Hugo Reid, in the lands belonging to and known by the name of the mission San Gabriel, to J. Lancaster Brent, esq., of the sum of $1,200 in coin of the United States of America, which said tender was refused by the said Brent.

Wherefore I immediately thereafter made a like tender of the same sum of money to the sheriff of Los Angeles county, James R. Barton, esq., or his under-sheriff, William B. Osburn, esq., and to which of them I am unable to state.

15 And I further state and declare that in tendering the said money to the said Brent, the said Crosby showed to the said Brent his deed from the said Reid, and the said Brent would not receive the same, but referred this deponent and the said Crosby to the sheriff or his deputy.

Whereupon this deponent, the said Crosby, and the said sheriff, his under-sheriff or deputy, proceeded to the store of this deponent, when this deponent commenced counting out the said $1,200 in U. S. coin, which the said sheriff refused to take, saying it is not necessary for you to count out the money, as I will take your word as a tender of the $1,200, the said $1,200 being present, and tendered to the said sheriff in coin of the United States of America, in all of which said deponent testifies to according to his best recollection and belief.

DAVID W. ALEXANDER.

Sworn and subscribed before me this fifth day of July, A. D. 1854.
MYRON NORTON,
County judge, Los Angeles county.

No. 697.

U. S. LAND COMMISSION.

Julian Workman and others, San Gabriel:

It is hereby stipulated by the U. S. law agent and claimant's counsel that the foregoing deposition of David W. Alexander may be read and considered in evidence in this case, the same as if it had been taken in open court before said board.

LOUIS BLANDING,
Asso. law agent.
E. O. CROSBY,
Of counsel for claimant.

Filed in office March 27, 1855.
(Signed) GEO. FISHER, *Sec'y.*

16 *Deposition of David Spence, taken in case No.* 81, *and made by stipulation part of this case.*

OFFICE OF THE BOARD OF LAND COMMISSIONERS, &c.

This day, before Commissioner R. Aug. Thompson, came David Spence, a witness in behalf of claimant Frank R. Bolton, No. 81, who, after being duly sworn, deposed as follows:

Testimony on behalf of claimant.—Present: V. E. Howard, esq., att'y for claimant, and R. Greenhow, esq., asso. law agent.

In answer to questions witness states, that his name is David Spence, age fifty-five years, residence Monterey, California.

1st question, by claimant's att'y. State what you know in relation to the usage and custom of the governors of California in leasing or granting mission lands.

Answer. The governors of California have been in the habit of granting mission lands ever since the colonization law went into effect, when such lands were not in the actual occupancy of the missions.

After the passage of the law for the secularization of the missions they granted mission lands indiscriminately, except those which were specially reserved for the use of the priests and the churches.

Afterwards I understood that they were authorized to lease or sell the mission lands in order to raise funds when the necessities of the government required them.

I was a member of the departmental assembly or deputation during the administration of Governors Chico, Micheltoreno, and Pio Pico. It was in the year 1844 that Micheltoreno received
17 orders from the supreme government at Mexico that war was expected with the United States, and directing him to put California in a state of defence; but, not having funds to do so, he called the assembly together to devise means to raise the necessary funds for that purpose, which body recommended him to sell or rent the mission lands, reserving a certain portion of the mission of Santa Inez for school purposes.

The assembly considered that the governors had full power to make such a disposition of the lands. I know from general report, and from having seen one of the titles, that Gov. Pio Pico did so dispose of some of the portions of the mission lands during his administration. I was prevented by ill-health from attending the meetings of the assembly at Los Angeles.

2d question, by same. State what you know in relation to the usage and customs of the governors of California in granting lands in consideration of public services, civil or military, or in discharge of the pecuniary obligations of the government.

Answer. It was the usage and custom of the governors to grant lands in consideration of public services; and I have heard that, in the time of Pio Pico, lands were granted in consideration of money advanced for the use of the government.

3d question, by same. State, if you know, what was the construc-

tion of the departmental assembly as to the right of the governor to make such grants.

Answer. As I stated before, the assembly at that time con-
18 sidered that he had the right to make them.

Cross-examined by Mr. Greenhow.

Question, by same. Do you understand that any decree, resolution, or other act of the territorial department, or departmental assembly, had any validity until it had been approved by the political chief or governor, or the person legally authorized to act as such?

Answer. I am not prepared to answer the question without some reflection and consideration.

2d question, by same. Do you understand that the government of California—that is to say, the political chief and deputation, or the governor and departmental assembly—had any power whatsoever with regard to the disposition of any lands, otherwise than in virtue of express authority from the general government of Mexico?

Answer. I am not prepared to answer the question.

Question, by same. Have you any knowledge of a law passed by the general congress of Mexico on the 6th of November, 1835, ordering the secularization of the missions in California to be suspended, and the missions to be restored to the state in which they were before the secularization was begun?

(Objected to by claimants' attorney.)

19 Answer. I have no recollection of such a law.

Question, by same. Did not Governor Micheltoreno, in 1843, order this law to be carried into execution by restoring the missions to the missionary priests?

Answer. I do not recollect the date; but I recollect an order to that effect was issued by Gov. Micheltoreno. What had been done in relation to the granting of mission lands previous to that date he recognised as legally done.

Question, by same. Did Governor Micheltoreno adopt or approve the recommendation of the departmental assembly in 1844, that the mission lands should be sold or rented, in order to raise funds for the use of the government?

Answer. I am not certain whether he did or not; but I am certain that he commenced fortifying the port of Monterey immediately after the passage of the recommendation by the assembly.

Question, by same. Were any mission lands sold or rented by Gov. Micheltoreno?

Answer. I do not recollect.

Question, by same. Have you ever heard of an order or instruction from the supreme government of Mexico, to Gov. Pio Pico, positively prohibiting the alienation of any of the mission lands?

20 Answer. I cannot recollect at present any such order.

Question, by claimants' attorney. What do you know of the approval, by the supreme government of Mexico, of the official acts of Gov. Micheltoreno?

Answer. I do not know whether they approved them or not.

D. SPENCE.

Sworn to and subscribed before me the 1st day of November, 1853.
R. AUG. THOMPSON, *Comm'r.*

Filed in office Nov. 1, 1853.
(Signed) GEO. FISHER, *Sec'y.*

[574 for 697.]

Deposition of Jas. S. Wait.

21 OFFICE OF COMMISSIONER G. TOMSON BURRILL,
At Los Angeles, California.

Before me, G. Tompson Burrell, commissioner, duly qualified for the taking of testimony to be used before the board of commissioners, to ascertain and settle the private land claims in the State of California, personally appeared James S. Wait, a witness in behalf of the United States for the land named mission of San Gabriel, numbered on the docket of said board with No. 574 and No. 697, who, upon oath, declareth and saith as follows:

Questions asked by C. E. Thom, acting law agent on the part of the government.

Question No. 1. What is your name, age, and place of residence?

Answer. My name is James S. Wait; I am forty-two years old; I reside in the county of Los Angeles, on the mission lands of San Gabriel, and about two miles northwest of the mission, and I have resided there since the month of February, 1850. I have been in peaceable possession of the lands since that time, and have never been requested to leave the premises by the claimants or otherwise.

Question No. 2. Has it been the invariable custom, since you have known the mission of San Gabriel, for any and all persons, who have chosen so to do, to occupy the lands of said mission without any objection being made to said occupation by the said claimants or by any other persons?

23 Answer. It has been the invariable custom, of persons desiring so to do, to occupy the lands of the mission of San Gabriel, and no objection has ever been raised to said occupation by the claimants; but objections were made to the settlement of said lands by Padre Blas Ordas, who claimed that the said lands were the property of the mission, and he had orders for the measurement of them from the bishop; this was in the year 1850. At that time the claimants had not, nor did they pretend to have, any possession of said lands.

Question No. 3. Do you know that Mr. Hugo Reid is dead? if yes, state when and where he died.

Answer. I know that he is dead; he died in the city of Los Angeles, in the fall of 1852.

Question No. 4. Previous to his death, did you ever have any conversation with Hugo Reid relative to the purchase and possession of the mission of San Gabriel? if yes, state what that conversation was.

Answer. Yes, I had a conversation with Hugo Reid concerning the purchase of the mission of San Gabriel, in which he stated that he and Workman had purchased the mission for seven thousand dollars, and had agreed to pay the debts due by said mission, and support the padre of the mission; he stated to me that they had not complied with any of the conditions of the purchase; they had neither paid the seven thousand dollars, the debts due by the mission,
24 nor had they provided for the support of the father; he, at the time, stating for a reason of their non-compliance, was because they were dispossessed by Colonel Frémont, who took possession on behalf of the government of the United States in or about the year 1846.

Cross-examined by A. Packard, counsel for claimants.

Question No. 1. Have you any interest in the confirmation or rejection of this claim.

Answer. The lands never having been surveyed, I do not know if I reside in the lands of mission lands or not; conceiving the lands to belong to the United States, I am a settler, claiming one hundred and sixty acres.

JAMES S. WAIT.

Sworn to and subscribed before me this fifth day of July, 1854.
G. THOMPSON BURRILL, *Com'r.*

I hereby certify that C. E. Thom, esq., was present at the time that the foregoing testimony was taken, acting for and on behalf of and by authority of J. H. McKune, esq., U. S. law agent.

Los Angeles, *July* 5, 1854.
G. THOMPSON BURRILL, *Com'r.*

Filed in office July 21, 1854.
(Signed) GEO. FISHER, *Sec'y.*

Depo. of Juan Foster.

25 United States of America,
State of California, ss:

San Francisco, *March* 26, 1855.

This day came before Peter Lott, commissioner for taking testimony to be used before the board of U. S. land commissioners in said State, Juan Foster, a witness on behalf of the claimants Julian Workman et al., in case No. 574 on the docket of said board, and said witness being sworn, deposed as follows:

Mr. McKune, U. S. law agent present.

Questions by Mr. Howard for claimants.

1st question. What is your name, age, and residence?

Answer. My name is Juan Foster; my age 39 years; my residence in Los Angeles county, California.

2d question. Are you acquainted with Julian Workman and Prefecto Hugo Reid? If yea, where did they reside in 1846, and what was their employment during that year?

Answer. I am well acquainted with Mr. Workman, and knew Mr. Reid well before he died. Mr. Reid resided in 1846 at the mission of San Gabriel, and until the time of his death, about a year ago. Mr. Workman resided in 1846, and still resides, at the rancho called "La Puente," in Los Angeles county. Mr. Reid, in 1846, was engaged in cultivating the lands at the mission of San Gabriel, where he had a house, and lived with his family; and Mr. Workman
26 in that year carried on his rancho of Puente, and also spent part of the time at said mission. Mr. Reid's house was about 300 yards from the mission church.

3d question. What were the boundaries of the land pertaining to said mission of San Gabriel in the early part of June, 1846?

Answer. On the north it was bounded by a tract of land called "San Pasqual;" on the south by the rancho called mission Vieja; on the east by the rancho of Santa Anita; on the west by the rancho of Santa Rosa. These boundaries embraced about three square leagues of land.

4th question. Were there any enclosed lands about the said mission in 1846; if yea, what were they?

Answer. There was one small enclosure opposite to the church called the "huerta de los Naranjas," (orange garden.)

5th question. What was the extent of land embraced in the orchard gardens and mission buildings, in June, 1846?

Answer. The orange garden spoken of was about 300 yards in area; the mission buildings covered a square of about 100 yards; and there were other old dilapidated gardens there which were in ruins, and not enclosed.

Cross-examined by U. S. law agent.

27 1st question. How long have you been acquainted with said mission, and who has had the control of it since you have known it?

Answer. I have known it upwards of twenty years; I have known it to be under the control of the Padre Tomas Estenega, at first, and then about 1835 or 1836, the administrations under the government took charge of it. They controlled it till the sale of it in 1846 or 1847; since then it has been in the possession of the U. S. troops, and latterly, I do not know how it has been regulated. The priests have been living there, but they have not seemed to have any control over it, and they have been there attending to their ecclesiastical duties.

2d question. How long have you known said Reid and Workman, and where have they resided, and how have they been employed during that time?

Answer. I have known Reid from 1830, till he died; I first knew him in the State of Sonora, three years, or thereabouts; then I knew him in Los Angeles, till about 1838, when he moved to the mission of San Gabriel, where he had lived till the time of his death. I first knew Workman about 1840, shortly after which he removed to his rancho "La Puente," where he has lived, more permanently than any where else, ever since; occasionally staying at Los Angeles, and at times living with Reid, at San Gabriel.

3d question. What was Reid employed in in 1846?

28 Answer. Chiefly in agriculture, though he had various kinds of business transactions.

4th question. Was he rich; if yea, in what did his wealth consist?

Answer. He was generally considered to be well off; he had stock, and raised considerable means through his agricultural industry.

5th question. Where was he in June, 1846, and what change took place in his business at that time?

Answer. I cannot state where he was in that particular month, nor do I know of any particular change taking place then in his general business.

6th question. Did said mission owe any debts in 1846; if yea, to what amount?

Answer. It was generally understood that the mission was very much involved, but I cannot state the amount. I know of one debt which was owing to Don Luis Vigne. I understood it to be three or four thousand dollars; and one to Manuel Requena, of which I do not know the amount. I do not know of these debts being paid; the creditors were clamorous.

7th question. If those debts had been paid would you probably have learned the fact from your knowledge of the creditors?

29 Answer. I do not think I should necessarily have known it; I might have heard of it, but I do not recollect to have heard it.

8th question. Have you ever had any conversation with Workman, Reid, or Pollard respecting the payment of these debts of said mission; if yea, what have they informed you about it?

Answer. I have had conversations with all of them about the matter, but I cannot recollect the nature or tendency of these conversations.

9th question. Has either of them told you the reasons why they neglected to pay the debts of said mission?

(9th question objected to as assuming a fact not proved.)

Answer. No.

10th question. In those conversations was any thing said about the payment?

Answer. I cannot state; whatever conversations I had with them were trivial.

11th question. Were those debts a subject of general conversation about the mission at and after the time of the alleged sale of the mission to Workman and others?

Answer. It was a matter of public talk that the mission was
30 insolvent, but I do not know the particulars of such conversation.

12th question. What was the population of the mission of San Gabriel in 1846?

Answer. I think there were some ten or twelve families there, mostly composed of Californians. Reid was among the number. There were some Indians, living mostly as servants in these families. Reid himself had quite a number of [them] under his control.

13th question. Name those families, and state whether each cultivated land separately from the others.

Answer. Lagardo Aguillar, Anto. Ma. Reges, Mariano Sylvas, and two other families of Sylvas had families there, and Reid. I do not recollect of any of the others. Some of these cultivated lands for themselves separately from the others. Aguilar did, and I now recollect that Michael White had a small piece of land cultivated there, and Reid cultivated for himself. I do not recollect particularly how the others cultivated.

14th question. Where were you in the months of June and July, 1846?

Answer. I was about in the county of Los Angeles. I resided at San Juan Capistrano.

15th question. Where was Pio Pico in those months?

31 Answer. I do not know that I can place him in those months. I think he was about Los Angeles; he mostly resided there.

16th question. Do you recollect when Pio Pico and Gen'l José Castro met and became reconciled; if yea, where were you at that time?

Answer. I do not recollect when it was they met; it was some short time after the taking of Monterey by the American squadron. I do not remember the date of that event. I was at home at San Juan Capistrano, at that time.

17th question. Did Pio Pico march from Santa Barbara, or from Los Angeles, when he met Castro that time?

Answer. Pio was coming from Los Angeles when he met Castro.

18th question. Did you see Pio Pico in August, 1846; if yea, when and where did you last see him in that month?

Answer. I cannot recollect distinctly whether I saw him in that month, or where I last saw him.

19th question. How long before he left California for the south did you last see him, and where?

Answer. I saw him at Santa Margarita and San Luis Rey, when he was about leaving.

32 20th question. State your relationship with said Pico, and whether you was intimate with him at that time.

Answer. I am his brother-in-law, and was at that time intimate with him.

21st question. Who left with him for the south?

Answer. Some of his own servants; I think no other persons. His secretary, Moreno, might have gone with him.

22d question. What was Pico's object in going south?

Answer. He went to save his *life*. He was hunted after by Frémont and his troops, who were a wild set of men; and he was fearful of falling into other hands.

23d question. Do you know from information, or otherwise, whether any persons followed him after he left, with a view of overtaking him? if yea, state who they were, and what object they had in view.

Answer. Yes; there were a posse of Frémont's troops who followed into Lower California, for the purpose of overtaking him. I do not know their object. I cannot state whether any body else followed him.

24th question. Do you know, or have you been informed, that Pio Pico, in July and August, 1846, made grants of lands to different
33 persons, and antedated them?

Answer. I do not know, and have not been so informed.

25th question. Have you ever had any conversation with Pio Pico respecting his sales of mission lands?

Answer. I have.

26th question. Have you learned from [him] his object in making sale of those missions?

Answer. I have understood from him that the last missions he sold were disposed of for the purpose of prosecuting the war, under competent authority from the Mexican government.

27th question. What property did said Pio Pico ever receive, arising from such sales, and how was it applied to the prosecution of the war?

Answer. I do not know of his ever receiving anything for said sales. I have heard it said that there were means arising from the sales of the missions, which were applied to the prosecution of the war. I heard that he received some thousands of dollars of money from Eulogio de Celiz, for the mission of San Fernando, and that this money was applied to the war. I have heard this both from Pio Pico and Celiz himself.

28th question. When, where, and in what convesation did
34 Pio Pico tell you this?

Answer. I cannot fix the time and place, but I have often heard him say so in general conversations.

29th question. General conversations about what?

Answer. General matters.

30th question. Why did he single out the payment of Eulogio Celiz, without mentioning other cases, and how did it happen?

Answer. I do not know how he happened to speak of that particularly, unless it was in connection with some other business transactions of Celiz, which might have been spoken of in general conversations.

31st question. Has not your intimacy with Pico been such that if he had received other moneys, or other property for the sale of the missions, you would have probably heard of it?

Answer. Yes.

32d question. Have you ever heard of any other property, or money, being paid over to the government for the sale of the missions; if yea, what?

Answer. Yes; I paid Pio Pico myself some seven or eight hundred dollars for San Juan Capistrano. I have heard of other cir-
35 cumstances, but I cannot exactly tax my memory about them. I do not now recollect of any other item or particular *I do not now recollect of any other item or particular* case which has been mentioned to me.

33d question. When, where, and in whose presence did you pay him the money you have said you paid him?

Answer. I was at San Juan, and I sent it by a servant to him at Los Angeles. I do not remember the time, but it was a short time before the money was due by the articles of sale of the mission. It was somewhere about the time, or a little previous to the taking of Monterey by the Americans.

Re-examined by claimants' counsel.

1st question. When did the U. S. troops take possession of said mission of San Gabriel; of what part of said mission; and how long did they occupy it?

Answer. They took possession immediately after the capitulation of the California forces. They occupied the mission buildings; they remained in possession of it some time; I do not recollect how long?

2d question. Did they occupy it to the exclusion of Workman & Reid?

36 Answer. I should presume so, for they expelled the person who was in possession of the mission of San Luis Rey.

3d question. Where has Reid's family resided since his death?

Answer. I do not know exactly in what house they live, but they remain somewhere in the neighborhood of San Gabriel. I have not seen any of his family since his death.

JOHN FOSTER.

Subscribed and sworn to before me on this 26th day of March, A. D. 1855.

PETER LOTT, *Commissioner.*

Filed in office March 27, 1855.
(Signed) GEO. FISHER.

37 UNITED STATES OF AMERICA,
State of California, ss:

SAN FRANCISCO, *March* 29, 1855.

This day came before Peter Lott, commissioner for taking testimony to be used before the board of U. S. land commissioners in said State, Francisco Arce, a witness on behalf of the claimants Julian Workman et al., in case No. 574 on the docket of said board, and said witness being sworn, deposed in Spanish, which was interpreted by the interpreter to said board as follows:

The U. S. law agent is present.

Questions by Mr. Howard for claimant.

1st question. What is your name, age, and residence?

Answer. My name is Francisco Arce; my age, 31 years; my residence, in Monterey county, California.

2d question. Are you acquainted with the mission of San Gabriel? If yea, how long have you known it?

Answer. I am acquainted with said mission. I have known it about 16 or two years.

3d question. In what county is it situated, and what were the boundaries of the land belonging to said mission about the 8th day of June, 1846?

Answer. It is situated in Los Angeles county; it was bounded
38 then on the north by the ranchos of Santa Anita and Rosa de Castillo; on the south by the rancho of Señor Dalton, called San Francisquito, and on the west by the rancho of Señor Gallardo, called San Pascual.

4th question. How much land is embraced within these boundaries?

Answer. I think there are about 3½ square leagues, a little more or less; I do not know the precise quantity.

5th question. Were you acquainted with Prefecto Hugo Reid; if yea, where did he live in 1846, and up to the time of his death?

Answer. I was acquainted with him; he lived in 1846 at said San Gabriel; had lived there before that time; and I think he lived there till he died, though I am not certain, for I was not there at the time of his death.

6th question. Had he a family, and where did they live?

Answer. He had a family, and they lived with him at San Gabriel; his wife was a native of that place.

7th question. Did said Reid cultivate any land in 1846; if yea, where was it situated?

39 Answer. He cultivated land at San Gabriel in that year. I saw him cultivating a garden and fields there. The garden was near his house, about 50 varas from the mission buildings; the fields were at different distances from the mission buildings. He cultivated land in several places. I cannot say accurately as to their distances. There was one field about 1,000 varas from the church planted in wheat, and part of it in beans and other vegetables; another piece which he cultivated was at the "Ojo de Agua," about 1 mile from said church.

8th question. When did San Gabriel cease to be a mission establishment?

Answer. At the time of the secularization of the mission in 1833, or 1834, as I understand.

(Answer to 8th question objected to as being surmise of witness.)

9th question. When did the neophytes leave there?

Answer. They commenced leaving there when the mission was secularized, and had all left by 1842.

Cross-examined by U. S. associate law agent.

1st question. How did you know those were the boundaries of the mission as described by you? and state whether they were marked by any landmarks.

40 Answer. I know that there were titles to these neighboring ranchos. I have rode all over the mission lands, and know where their boundaries were. I could not, perhaps, trace the very lines. I know of no particular landmarks, either natural or artificial, and still I know about the limits.

2d question. Do you know any means by which you could find and identify those boundaries?

Answer. The only objects I now recollect by which I would be able to find the boundaries are the Rio de San Gabriel on the north and east of said lands, and the point of the woods.

3d question. How is this land of the mission shaped, and what are its dimensions?

Answer. It is an imperfect parallelogram, having its length of about a league and a half from the east to west, and about a league and a quarter in width from north to south.

4th question. How do you know the cultivation you speak of was made by said Reid?

Answer. I saw it. I was in the habit of visiting Reid, and he used to take me round and show me his crops.

5th question. When this mission was secularized, to whom was it surrendered?

41 Answer. I do not remember. In 1836 Juan Baudin was administrator of said mission on behalf of the government.

FRANCISCO ARCE.

Subscribed and sworn to before me this 29th day of March, A. D. 1855. PETER LOTT, *Com'r.*

It is agreed that the foregoing deposition shall be admitted in evidence as if taken prior to the submission.

LOUIS BLANDING, *Asso. law agent.*
V. E. HOWARD, *for claimant.*

Filed in office March 29, 1855.
(Signed) GEO. FISHER, *Sec'y.*

43 SAN GABRIEL.

Pio Pico, gobernador constitucional del departamento de Californias:

Autorizado previamente por la Excma. Asamblea Departamental para la enagenacion de las misiones asi para pagar las dendas y evitan la total ruina de ellos como para proporcionar recursos que sirven a defenza comun en el caso de una invacion estranjera que segun datos fehacientes se hallo muy quoscima de cuyo caso el Gobno. Departamental esta facultado ampliamente sucedeo en atendiendo á que los Señores Dn. Perfecto Hugo Reid y Dn. Julian Work-

man por el Supr. de la nacion han hecho al Gobierno servicios de consideracion y tambien facilitado buenos auxilios para su mejor conservacion y seguridad del departamento bajo la garantea de justo endemnificacion cuando la hacienda general estuviese desa hogad habiendo estos Sores., solicitado para su benificio personal y el de sus familias la Mision de San Gabriel con todos sus terrenos fuicas, Rusticas y urbanos en pago de las cantidades que en diferentes epocas han facilitado al Gobno. Departamental obligandose á mas á satisfacer integra y religiosamente las dendos pasivas de dicha mision que aparecieren justificadas segun la relacion que de ellos formo la comision de misiones como tambien á señal en una parte ó cantidad proporcionada pa. subsistencia del Padre Ministro que alli excista y conservacion del culto divicio vista y considerado todo lo qe. ver y considerar convino en uso de las facultades con qe. me hallo investido he venido en hacer venta real y enagenacion perpetua para siempre jamas á los Sñs. Perfecto Hugo Reid y Julian Workaman de la Micion de San Gabriel segun y conforme ellos han convenido
44 con todas las pertenencias que hoy cuenta y reconoce anexcas consisten en terrenos fuicas, bienes raices y semovientes, en cuyo testimonio y para su validacion y mejor cumplimiento se ponen las condiciones sigtes.:

1°. Pagaran á los acrudores de la Micion de San Gabriel las cantidades que aparecieren justificados á lo mas en el termino de meses pudiendo convenirse con ellos á las espera, abandonarse asi mismo las cantidades que hubiere desembalsado y estan reconocidos por legales.

2°. La venta se hace puramente de los edificios principales de otras fuicas, huertas, viñas y demas bienes raices y semovientes y de las terrenos totalmente valdios que estuvieren y reconocieren propiedad particular ninguno.

3°. Desde ahora para siempre falicitaran de su cuenta lo necesario para la subsistencia del Padre Ministro, y en todo tiempo existen alli como igualmte. pa. la conservacion del culto divino.

4°. No se podra alegar lesion enorme por esta venta de parte ninguno y el execeso en poco ó mucho suma queda á favor de los compradores por ser el justo valor que tiene actualmente dicho micion y no haber quien diere mas por ella.

En consecuencia dictara por las presentes letras ser dueño legitimo de la espresada Mision de Sn. Gabriel de Mancomun los Sñs. arriba mencionadas en los terminos y bajo los condiciones seguientes, por cuya virtud podran tomar posesion de ella desde ahora, y para la devida constancia en todos tiempos doy este documento como en formal escritura que sera reconocido y acatado por todas las
45 autoridades civiles y militares de la nacion Mejicana en este y en los de mas departamentos aun por el Gobierno General de ella autorizado devidamte. con mi forma y la del secretario de mi despacho en este papel comun por absoluta falta del sellado á ocho de Junio de mil ocho cientos cuarenta y seis.

Note.—The writing exhibited by this page of writing truly copied

from that on the 4th page of the sheet of which the preceding pages are copied. S. D. K., S. G'l.

Note.—The writing exhibited by this page of writing truly copied from that in the 4th page of the sheet of which the preceding pages are copied S. D. K., Sr. G'l.

Pio Pico, gobernador constitucional del departamento de Californias, á sus habitantes:

Sabed.

Que hallandore el pais enagenado por las fuerzas de mar y tierra de los Estados Unidos de America ocupa dos por ellos los playos de Monterey, Sonoma, San Francisco, y demas fronteras norte de este departamento en donde y á flamea el pabellon de las Estrellas con amenaza de ocupar los demas puertas y estando este Gobierno con la forma resolucion de hacer los Esfuergos posibles para repelar la mas injusta de las agresciones que han vesto los ultimos siglos, causado por una nacion dominada de la mas maldita ambicion.

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, Samuel D. King, surveyor general of the United States for the State of California, and, as such, now having in my office and under my charge and custody a portion of the archives of the former Spanish and Mexican territory, or department of Upper Cali-
46 fornia, do hereby certify that the former, preceding, and hereunto annexed pages of tracing paper, numbered from one to four, inclusive, and each of which is verified by my initials, S. D. K., exhibit true and accurate copies of certain documents on file in this office.

In testimony whereof I have hereunto affixed my name officially. and affixed my private seal (not having a seal of office) at
[SEAL.] the city of San Francisco, Cala., this 23d day of October, 1852.

SAM'L D. KING,
Surv'r gen'l, Cal'a.

Filed in office March 2d, 1853.

GEO. FISHER, *Sec'y.*

47 "B."—SAN GABRIEL.

[Translation of Exhibit "A."]

Pio Pico, constitutional governor of the department of the Californias:

Having been first authorized by the most excellent the departmental assembly for the alienation of the missions, as well as for paying their debts, and avoiding the total ruin of the same, and for obtaining funds to serve for the common defence in case of a foreign invasion, which, according to credible information, is very close at

hand, in which case the government of the department has received ample powers from the supreme one of the nation. Considering that the Señores Don Perfecto Hugo Reid and Dn. Julian Workman have rendered considerable services to the government, and also lent good assistance for the better preservation and security of the department under guarantee of just recompense whenever the general treasury should be relieved, and whereas those Señores have solicited for their personal benefit, and that of their families, the mission of San Gabriel, with all its lands, improvements of town and country in payment of the sums which at different periods they have advanced to the departmental government, binding themselves to satisfy integrally and religiously the debts outstanding against said mission, which may be proved according to the report of the same formed by the committee on missions, as also to assign a proportional part or sum for the maintenance of the ministering fathers, who may live there, and for the preservation of the divine worship. Having seen and considered all that is behoove to see and consider.

In the exercise of the powers wherewith I find myself invested, I have to come to make a real sale and perpetual alienation for evermore to the Señores Perfecto Hugo Reid and Julian Workman of the mission of San Gabriel, according and conformably, as they
48 have agreed together, with all the appurtenances, which at this day are reckoned and considered as appertaining to the same, whether they consist in lands, improvements, real estate, or cattle.

In testimony whereof, and for the validity and better accomplishment hereof, the following conditions are imposed:

1st. They will pay to the creditors of the mission of San Gabriel the sums which may appear and be proved at the farthest in the term of months, with power to agree with them for delay.

They will also credit themselves with the sums they may have disbursed and acknowledged as lawful.

2d. The sale is hereby made of the principal and private edifices of other improvements, gardens, vineyards, and other real estate and cattle of the lands wholly unoccupied there, may be, and which do not belong to the property of any individual whatever.

3d. Henceforward they will advance on their own account the necessaries for the subsistence of the father minister, who at any time may live there, as also for the preservation of divine worship.

4th. Neither party to this sale shall have power to allege excessive damages, and the balance, whether the same amounts to a small or a large sum, remains in favor of the purchasers, they having paid the first value which said mission actually possesses, and there being no one who would give any more for it.

In consequence by these present titles, that the above named are legitimate owners of the said mission of San Gabriel jointly, on the terms and under the conditions above stated.
49 By virtue whereof they may take possession of the same from this moment; and for due testimony in all times, I give this instrument as a deed in due form, which is to be acknowledged and respected by all civil and military authorities of the Mexican nation

in this and the other departments, and even by the general government of the same, being duly certified with my signature, and that of my secretary of state, on this common paper, there being absolutely none stamped, on the eighth day of June, one thousand eight hundred and forty-six.

Proclamation.

Pio Pico, constitutional governor of the department of Californias, to its inhabitants:

Know ye, that the country being menaced by the sea and land forces of the United States of America, which already occupy the towns of Monterey, Sonoma, San Francisco, and other frontier places north of this department, where already waves the flag of the stars, threatening to occupy the other ports and towns, and subject the same to their laws; and this government being firmly resolved to make all possible efforts to repel the most unjust of aggressions which the latter centuries have beheld made by a nation inspired by the most unheard of ambition.

Filed in office March 2, 1853.

(Signed) GEO. FISHER, *Sec'y.*

Exhibit No. 1, *annexed to dep. of Nicolas A. Den.*

51 Pio Pico, gobernado constitucional de departamento de Californias:

[SELLO.] Autorizado provisionalmente por la ex'ma asemblea departamental para la enagenacion de las Miciones, asi para pagar sus dendas y evitar la total ruina de ellos como para proporcionas recursos que sirvan á la defensa comun en el caso de una invasion estranjera que segun datos fecha cientos se halla muy proxima de su ceder en cuya circumstancia el gobierno del departamento, esta facultado ampliamente por el supremo de la nacion, atendiendo á que las Señores Dn. Perfecto Hugo Reid y Dn. Julian Warkaman han hecho de gobierno servicios de consideracion y tambien facilitado buenos auxilios para su mejor conservacion y seguridad del departamento bajo la garantea de justa indemnizacion cuando la hacienda general estuviese desa hogado habiendo estos señores solicitado para su beneficio personal y el de sus familias la mision de San Gabriel centodos sus terrenos, fincas rusticas y urbanos en pago de los cantidades que en diferentes epocas han facilitado al gobierno departamental obligandose à mas à satisfacio integra y religiosamente las dendas pasivas de decha mision que apareceiren justificadas segun la relacion ql. de ellas formo la comision de misiones como tambien á senator una parte ó cantidad proporcionada para subsistencia del padre ministro que alli exista y conservacion del culto divino visto y considerado todo lo que ver y considerar convino en uso de las facultades con ql. me hallo investido he venido en hacer venta real y enagenacion perpetua, para siempre janas à los Señores Perfecto Hugo Reid y Julian

Warkaman de la micion de San Gabriel segun y confirme ellos han convenido con todas las pertenencias que hay cuenta y reconoce anexcas, consisten en terrenos, fuicas, bienes raices ó semovientes
52 en cuya testimonio para su validacion y mejor cumplimento se ponen las condiciones signientes.

1°. Pagaran à los acredores de la mision de la San Gabriel las cantidades que aparecieren justificados à lo mas en el termino de los años pudiendo convenirse con ellos à la espeva abandonare à si mismos los cantidades que hubieren de sembalsados y esten reconoeidas por legales.

2°. La venta se hace puranente de los edificios principales y particulares, de otras fincas, huertas, vinas y demas bienes raices, y semovientes y de los terrenos totalmente valdios que tuvrese y no recovieren propiedad particular ninguna.

3°. Desde ahora para siempre facilitaran de su cuenta lo necessario, para la subsistencia del padre ministro ql. en todo tiempo existiese alli, como egualmente para la conservacion del culto divino.

4°. No se podra alegar lesion enorme y por esta venta departe ninguno y el exceso en poco ó mucha suma queda á favor de los compradores por ser el justo valor que tiene actualmente dicha mision y no haber quien diere mas por ella.

En consecuencia dictara por las presentes letras ser dueños legitimos de la espresada mision de San Gabriel de Mancomun los señores arriba mencionadas en los terminos y bajo los condiciones espresados por cuya virtud podran tomar posecion de ella desde ahora, y para la debida constancia en todos tiempos doy este documento como formal escritura que sera reconocido y acatado por todas las autoridades civiles y militares de la nacion Mexicana en este y los demas departamentos y aun por gobierno general de ella autorizado debidamente con mi forma y la del secretario de mi despacho en este papel comun por absoluta falla del sellado à ocho de Junio de mil ocho cientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, *Srio. Int'no.*

Queda tomado Razon de este despacho superior en el libro respectivo.

MORENO.

Filed in office Jan'y 25, 1855.

GEO. FISHER, *Sec'y.*

Translation of Exhibit No. 1, *A. F., ann'ed to dep. of N. A. Den.*

54 Pio Pico, constitutional governor of the department of the Californias :

Having been personally empowered by the most excellent departmental assembly for the alienation of the missions, both for the payment of their indebtedness and to prevent the total ruin thereof, and to provide resources that may assist in the common defence in case of foreign invasion, which, according to self-evident data, is very near happening; in which event the government of the department is fully

empowered by the supreme ruler of the nation, considering that the Messrs. Don Perfecto Hugo Reid and Don Julian Workman, have rendered valuable services to the government, and furnished also eminent aid for the better protection and security of the department, under the guaranty of a just indemnification when the general treasury should be unembarrassed, the said persons having solicited for their own benefit, and that of their families, the mission of San Gabriel, with all the lands, town and county property, in payment of the amounts which, at different times, they have furnished the departmental government, they binding themselves, moreover, to satisfy, integrally and religiously, the paper debts of the said mission that may appear proved according to the specification former thereupon by the committee on missions, as also to designate a portion or an amount sufficient for the support of the father minister that may reside there, and for the preservation of divine worship. All that is necessary having been considered and examined, in the exercise of the powers with which I am invested, I have concluded to execute a real sale and perpetual alienation forever of the mission of San Gabriel to the said Perfecto Hugo Reid and Julian Workman, as and according it has suited them, with all the appurtenances recognised as thereunto belonging, consisting of lands, improvements, real estate, or self-moving property.

55 In testimony whereof, for its validity and better fulfilment, the following conditions are inserted :

1st. They shall pay to the creditors of the mission of San Gabriel the amounts that may be presented, properly proven, within the term of two years at most, with whom they may agree as to the time, crediting themselves with the amounts they may have paid out and are recognised as legal.

2d. Sale is made of the principal edifices, and every description of other improvements, orchards, vineyards, and other real estate and self-moving property, and of all the entirely vacant lands thereunto belonging, and not recognised as the property of any individual.

3d. Henceforth and forever they shall provide, at their own cost, whatever may be necessary for the subsistence of the father minister who shall at any time reside there, and likewise for the preservation of divine worship.

4th. The lesion enorme cannot be alleged for this sale in behalf of any one; and the excess, whether a small or great amount, to be in favor of the purchasers, the amount which the said mission actually has being the just value thereof, and there being no one who would give more therefor.

Therefore I declare, by these presents, the aforesaid individuals to be the legitimate owners of the said mission of San Gabriel, in common, upon the terms and under the conditions above written. In virtue whereof they may take immediate possession thereof.

And for the due testimony thereof at all times, I give this document as a formal deed, which shall be recognised and respected by all the civil and military authorities of the Mexican nation in this and all other departments, and even by the general government

56 thereof, duly authorized by my signature and that of the secretary of state, on this common paper, for the entire want of stamped, on the eighth day of June, eighteen hundred and forty-six.

(Signed) PIO PICO.

(Signed) JOSE MATIAS MORENO,
Sec'y ad interim.

This patent is entered on the respective book.
(Signed) MORENO.

A true and correct translation.
Witness my hand the 25th day Jan'y, 1855.
GEO. FISHER, *Sec'y.*

Filed in office Jan'y 25, 1855.
GEO. FISHER, *Sec'y.*

57 *Communication from the Minister of Justice of Mexico to the Governor of California.*

MINISTERIO DE JUSTICIA Y INSTRUCCION PUBLICA.

E. S.: Ha llegado a noticin del E. S. Presidente que el gobierno de ese departmento ha dispuesto sacar a publica sabasta todos los bienes pertenecientes ó las misiones del mismo que el antecesor de V. E. habia mandado devolver á las respectivos misioneros para el manejo y admis'n de sus temporalidades; en consecuencia se ha servido previadiren que ese gobierno se sirva informar sobre estos particulares susperdiendo desde luego todo proceedimto. en curanto á enagenacion de los bienes de que se trata, hasta la resolucion del spmo. gobierno.

Tengo el honor de decirlo á V. E. con los fines inticudas protestando le mi consideraciones y apreció.

Dios y Libertad. Mejico, Noviembre 14 de 1848.
MONTESDIOCA.

S. E. Governador del departmente de California, puerto de Monterey.

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, John C. Hays, surveyor general of the United States for the State of California, and, as such, having in my charge and custody of the archives of the former Spanish and Mexican territory or department of Upper California, by virtue of the power vested in me by law, do hereby certify that the preceding and hereunto annexed page of tracing paper, numbered one, exhibits a true and accurate copy of a document purporting to have been issued by *by* order of

the president to the governor of the department of California
58 in 1845, said document being now on file and forming part of the archives in this office.

In testimony whereof I have hereunto signed my name officially, and caused my seal of office to be affixed, at the city of San Francisco, this sixteenth day of October, 1854.

JOHN C. HAYS,
U. S. surveyor general for California.

Filed in office March 21, 1855.

GEO. FISHER, *Sec'y.*

[Translation of communication from the Minister of Justice.]

59 MINISTRY OF JUSTICE AND PUBLIC INSTRUCTION.

MOST EXCELLENT SIR: His excellency the President has received information that the governor of the department has ordered that the property belonging to the missions thereof be put up for sale at public auction, which your predecessor has ordered to be returned to the respective missionaries for the direction and administration of their temporalities; therefore he decreed proper to direct me to say that the said governor will please to report upon these particulars, suspending immediately all proceedings respecting the alienation of the aforementioned property till the determination of the supreme government.

I have the honor to communicate it to your excellency for the purposes indicated, protesting to you my consideration and esteem.

God and Liberty. Mexico, November 14, 1845.

(Signed) MONTESDIOCA.

His excellency the governor of the department of the Californias, port of Monterey.

A true and correct translation of a traced copy in case No. 348, filed April 10, 1855. Witness my official signature this 14 April, 1855.

GEO. FISHER, *Sec'y.*

Filed in office April 14, 1855. GEO. FISHER, *Sec'y.*

61 *Conveyance.*

This indenture made the twenty-ninth day of September, in the year of our Lord one thousand eight hundred and fifty-two, between Hugo Reid, of Los Angeles, California, of the first part, and Elisha O. Crosby, of the city of San Jose, in the same State, of the second part,

Witnesseth: That the said party of the first part, for and in consideration of the sum of eight thousand dollars to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, hath bargained and sold, and by these presents doth bargain and sell, unto the said party of the second part, and to his

heirs and assigns forever, all the one undivided half part of those certain tracts, parcels, and pieces of lands in the present county of Los Angeles, in said State of California, known as the ex-mission of San Gabriel, whether they consist of lands, real estate, buildings, orchards, vineyards, and property of every name, nature, and description, both real and personal, with the appurtenances, rights, and privileges thereunto belonging, or in anywise appertaining, the same being more particularly mentioned and described in a general grant or deed of sale made and executed on the 8th day of June, A. D. 1846, by Pio Pico, then governor of California, reference being had to said grant and deed of sale, and all the papers and proceedings connected therewith, the record of juridical and other acts of delivery and possession of said lands, premises, and property;

Together with the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and also all the estate, right, title, interest, claim, or demand whatsoever of him the said party of the first part, either in law or equity, of, in, and to the above bargained premises, and every part and parcel thereof.

In witness whereof the said party of the first part has hereunto set his hand and seal the day and year first above written.

HUGO REID. [SEAL.]

Signed, sealed, and delivered in presence of—
EUGENE LIES.
HENRY DALTON.

STATE OF CALIFORNIA,
County of Los Angeles, ss:

On this thirtieth day of September, 1852, personally appeared before me, a notary public in and for said county, Hugo Reid, known to me to be the person described in and who executed the within conveyance, who acknowledged that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

Certified under my hand and official seal the day and year above written.

K. H. DIMMICK, *Notary Public.*

Filed in office March 2, 1853.
(Signed) GEO. FISHER, *Sec'y.*

63 *Order from the President of Mexico to Pio Pico.*

MINISTERIO DE GUERRA Y MARINA,
Seccion de Operaciones.

E. S.: Al S. Comand'te Gl. de Californias, Principal diza hoy lo sig'te:

"Las preparitivas ql. hacen los Estados Unidos y la aprocsimacion de sus fuerzas. Navales á nuestros puertos, no dejan duda de ql. la guerra con aquella potencia esta pa. romperse, y como el E. S. Presidente in'te esta decido á sotever los derechos de la nacion. Quiero ql. en todas los puertos de la Republica en que se presente el luimigo se haya una defensa regorosa y capaz de dar honor y gloria al Pavellon

Nacional. Al efecto, mientras qe. el Sup'mo Gob'no proporciona á V. S. los auxilios conven'ce espera de su patriotismo y. lealtad qe. dictará las provids. qe. juzque oportunas pa. la defensa de ese Dep'to con cuyo objeto queda V. S. y el S'r Gob'no facultado ampliamante.'' Y tengo el honor de insertalos a V. E. pa. su conocim'to esperando q. por su parte no perdonara medio pa. conservar ilius los deuchos de la Patria.

Dios y libertad. Mejica, Marzo 10 de 1846.

TORNEL.

E. S. Gob'no del Depar'to de Californias.

Es copia fiel de su original que queda en mc poder y á que me remito. Angeles, Setiembre 27 de 1852.

PIO PICO.

I certify the foregoing to be a true and correct copy of the original in possession of the witness, which copy I have compared with the original.

OFFICE OF THE BOARD OF LAND COMMISSIONERS FOR CALIFORNIA,
Angeles, September 27, 1852.

GEO. FISHER, *Sec'y.*

65 [Translation.]

MINISTRY OF WAR AND MARINE,
Chief Section of Operations.

E. S.: To the commandant general of to-day I write as follows:

The preparations that the United States are making, and the near approach of their naval forces to our ports, leaves no doubt that war is about to be declared with that power; and as his excellency the president is determined to maintain the rights of the nation, he orders that in all the ports of the republic, in which the enemy may present himself, a rigorous defence shall be made worthy of reflecting honor and glory on the national flag.

With that view, whilst the supreme government is preparing for your ex. the requisite aid, he shall rely upon your patriotism and loyalty to devise the means that you may judge necessary for the defence of the department.

For which object V. S. and the governor are fully empowered; and I shall have the honor to transmit it to your excllv. for your information, requesting that, on your part, you will use every possible means to preserve unsullied the rights of the country.

God and liberty. Mexico, March 10th, 1846.

(Signed) TORNEL.

To his ex. the Governor of the Department of the Californias:

This is a true copy of the original, which is in my possession, &c. Angeles, September 30, 1852.

PIO PICO.

1301

66 I certify the foregoing to be a full, true, and correct copy of the original in possession of the witness, which copy I have compared with the original.

OFFICE OF THE BOARD OF LAND COMMISSIONERS FOR CALIFORNIA,
Angeles, September 30, 1852.

GEO. FISHER, *Sec'y.*

Filed in office March 27, 1855.
(Signed) GEO. FISHER, *Sec'y.*

67 No. 697.—*Stipulation.*

U. S. LAND COMMISSION.

Julian Workman and others:

It is hereby agreed between the U. S. law agent and claimants' counsel that the deposition of David Spence, taken in case No. 81, before this board, may be filed in this case, and read and considered in evidence the same as if retaken in this case.

Dated Nov. 1, 1853.

ROBERT GREENHOW,
Asso. law agent.
E. O. CROSBY,
Of counsel for claimant.

130 B

Filed in office March 29, 1854.
(Signed) GEO. FISHER, *Sec'y.*

No. 697.—*Stipulation.*

U. S. LAND COMMISSION.

Julian Workman et al., San Gabriel:

It is hereby stipulated that the depositions taken in case No. 574, Workman and others, for some lands, may be read and considered in evidence in this case the same as if taken in this case.

LOUIS BLANDING,
Asso. law agent.
E. O. CROSBY,
For claimant.

Filed in office March 20, 1855.
(Signed) GEO. FISHER, *Sec'y.*

JULIAN WORKMAN and E. O. CROSBY
vs.
THE UNITED STATES. } 697.

For a place called ex-mission of San Gabriel, in Los Angeles county, containing about three square leagues.

In this case the claimants have offered in evidence a grant to the above named place, issued by Governor Pio Pico to Julian Workman and Hugo Reid, dated the 8th day of June, 1846, which grant purports to have been issued in consideration of services rendered on the part of the grantees to the Mexican government, and in further consideration of the payment by grantees of all the outstanding debts of said mission; and furthermore, to render certain support to the priest of the mission, which said grant is satisfactorily proven to be genuine.

Petitioner Crosby has also filed in evidence a deed from the said grantee Reid to the said Crosby, dated the 29th day of September, 1852, to which said last mentioned deed there appears no objection.

By written stipulation on file the evidence filed in this case by Julian Workman and Aaron Pollard, No. 574, is made evidence in this, from which it appears that the parties are claiming under the said grant, and the grantee, Workman, applying for a confirmation of his interest in both cases. In this case the petitioner Crosby asks confirmation by virtue of his aforesaid deed from the said Reid. In case No. 574, the petitioner Pollard asks confirmation to one-half of the place by virtue of a sheriff's deed made to him by the
69 sheriff of Los Angeles county, dated the 1st day of October, 1852, which deed was executed on the sale of the interest of the said Reid on execution against the said Reid, at the suit of Aaron Pollard, instituted in the district court of Los Angeles county. It also appears that the said Crosby, as the grantee of Reid, the defendant in execution, tendered a sum of money to the sheriff for the purpose of redeeming the same from the sale under the provisions of the statute of California, the validity of which tender and refusal on the part of the sheriff to receive the same is questioned on the part of Pollard.

It further appears, that subsequent to the proceedings aforesaid, the said Reid departed this life, leaving a wife and children to inherit whatever estate he may have died seized of, but the names of the heirs are not made known by the proof.

We think that the proofs leave no doubt of the validity of the claim on the part of the original grantees; and inasmuch as the interests of the parties concerned in the premises are not made certain, we deem it prudent to enter a confirmation in this case to the petitioner Julian Workman, and the legal representatives of the said Reid, leaving the rights of those claiming under him to be settled in the proper limits of the State of California, where such contests more properly belong.

We think that by such a confirmation less injustice will be liable to be done to the parties, inasmuch as a confirmation of Reid's rights will, by operation of law, inure to the benefit of his legal representatives.

A decree will be entered in conformity with the foregoing opinion.

Filed in office June 26, 1855.
(Signed) GEO. FISHER, *Sec'y.*

70 *Decree of confirmation.*

JULIAN WORKMAN
vs.
THE UNITED STATES. } 697.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the claim of the said petitioners is valid; and it is therefore deemed that their application for a confirmation thereof be allowed for one undivided half to the petitioner Julian Workman, and the remaining one-half to the legal representatives of Hugo Reid, deceased, they being the original grantees from the govnerment.

The land, of which confirmation is hereby given, is situated in the county of Los Angeles, and known as the ex-mission of San Gabriel, and is bounded as follows, to wit:

On the north by the rancho Anita and Rosa de Castello; on the south by the rancho of mission of Viega; on the east by the rancho of Sor. Dalton, called San Francisquito; and on the west by the rancho of Sor. Gallardo, called San Pascual; reference being had to the grant and depositions in this case.

R. AUG. THOMPSON,
S. B. FARWELL,
Commissioners.

Filed in the office June 26, 1855.
(Signed) GEO. FISHER, *Sec'y.*

Order.

71 And it appearing to the satisfaction of this board that the land hereby adjudicated is situated in the southern district of California, it is hereby ordered that two transcripts of the proceedings and of the decisions in this case, and the papers and evidence upon which the same are founded, be made out and duly certified by the secretary, one of which transcripts shall be filed with the clerk of the United States district court for the southern district of California, and the other be transmitted to the Attorney General of the United States.

73 OFFICE OF THE BOARD OF LAND COMMISSIONERS TO ASCERTAIN AND SETTLE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

I, George Fisher, secretary to the board of land commissioners to ascertain and settle the private land claims in the State of California,

do hereby certify the foregoing sixty-seven pages, numbered from 1 to 67, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings, and of the decision of the said board, of the documentary evidence and of the testimony of the witnesses on which the same is founded, on file in this office, in case No. 697, on the docket of the said board, wherein Julian Workman, et al. are the claimants against the United States for the place known by the name of the mission of San Gabriel.

In testimony whereof I hereunto set my hand and affix my private seal, (not having a seal of office,) at San Francisco, California, this twenty-first day of November, A. D. 1855, and of the independence of the United States of America the eighteenth.

[SEAL.]

GEO. FISHER, *Sec'y.*

Filed December 6th, 1855.

C. E. CARR, *C'lk.*,
Per SAMUEL R. DUMMER, *Deputy.*

U. S. dist. court.

Notice of appeal to dist. court.

75 OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES,
Washington, Dec. 31, 1855.

697.—"MISSION OF SAN GABRIEL."

Julian Workman et al., claimants:

You will please to take notice, that in the above case decided by the commissioners to ascertain and settle private land claims in the State of California in favor of the claimants, and a transcript of the proceedings, in which was received in this office on the 18th day of December, 1855, the appeal in the district court of the United States for the southern district of California, will be prosecuted by the United States.

C. CUSHING, *Attorney Gen'l.*

Filed Feb'y 12, 1856.

C. E. CARR, *Clk.*

Petition for review.

77 In the district court of the United States for the southern district of California.

CITY AND COUNTY OF LOS ANGELES,
State of California.

JULIAN WORKMAN and ELISHA O. CROSBY, appellees, *ads.* THE UNITED STATES, app'lts. } Docket No. 345.—Transcript No. 697.

To the Honorable Isaac S. K. Ogier, judge:

The petition of Pacificus Ord, a resident of said city, county, and

State, attorney of the United States for the southern district of California, who petitions in this behalf for the United States, and being present here in court, in the name and behalf of the United States, represents as follows: That heretofore, to wit, on or about the 2d day of March, A. D. 1853, Julian Workman and Elisha O. Crosby presented a petition to the eommissioners to ascertain and settle the private land claims in the State of California, when sitting as a board, claiming a tract of land called ex-mission of San Gabriel, with appurtenances, in the county of Los Angeles, State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit, on or about the 26th day of June, A. D. 1855, the said commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit, on or about the 6th day of December, A. D. 1855, a duly certified transcript of the proceedings and decision of the said commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the office of the clerk of the district court of the United States for the southern district of California, and marked No. 697; reference to which it is prayed may be had and made part of this petition. That on or about the 18th day of December, A. D. 1855, the honorable Caleb Cushing, Attorney General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said commissioners in said cause, and the papers and evidence on which said decision was founded. That thereafter, to
78 wit, on the 12th day of February, A. D. 1856, the Attorney General of the United States filed, or caused to be filed, in behalf of the United States, a notice with the clerk of said district court of the United States, that the appeal in said cause from the said decision of the said commissioners, in the district court of the United States for the southern district of California, would be prosecuted by the United States. Your petitioner further represents, that the land claimed as aforesaid is situate in the southern district of California, and within the jurisdiction of this honorable court. Your petitioner further represents and insists, that the said claim is invalid, and the said decision of said commissioners is erroneous, and ought to be reviewed, reversed, and set aside, for many errors and imperfections of law and evidence apparent in said certified transcript of the proceedings and decisions of said commissioners in said cause, filed and appealed from as aforesaid. And your petitioner denies all and singular, each and every allegation in the said petition of said claimant, presented as aforesaid to said commissioners. And your petitioner further denies that the said claimant has any valid right or title to said land claimed as aforesaid, or any part thereof. And no sufficient proof having been made of the allegations in said petition to said commissioners, or in support of the said claim, no decision confirming the same should have been made by said commissioners, but the said claim should have
79 been rejected by them. And the said claimant, having no valid right or title derived from the Spanish or Mexican governments to the land claimed as aforesaid, the lawful right and title

in and to the said land was acquired by, and it now belongs to, the United States by virtue of conquest, and the treaty of peace, friendship, limits and settlement, between the United States and the republic of Mexico, made at the city of Guadalupe Hidalgo, February 2, A. D. 1848.

Wherefore, the said Pacificus Ord, attorney of the United States for the southern district of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the act of Congress, entitled "An act to ascertain and settle the private land claims in the State of California," approved March 3, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimant, or his attorney, may be served with a copy of this petition, and that this honorable court will review the said decision of said commissioners and reverse the same, and decide on the validity of the same, and decree the alleged title to be invalid, with costs and general relief.

P. ORD,
Attorney of the U. S. for the southern district of California.

Filed this 5th January, A. D. 1857.

81 UNITED STATES OF AMERICA,
Southern district of California, ss:

The President of the United States to Julian Workman and Elisha O. Crosby, greeting:

Take notice, that a petition, a copy of which is herewith served upon you, has been filed against you, and each of you, in the district court of the United States, in and for the southern district of California, on the 5th day of January, in the year of our Lord one thousand eight hundred and fifty-seven, at the city and county of Los Angeles, in said district, by P. Ord, U. S. attorney, praying said court to review the decision of the U. S. land commissioners, of the 26th day of June, 1855, confirming your claim to the land called "ex-mission of San Gabriel, with its appurtenances," and that you, and each of you, are required to appear at said court, in said city, within ten days after the service hereof, if served on you within the county of Los Angeles; and within twenty days if served on you in the county of San Diego or San Bernardino; and within forty days if served on you in any other county of said State, exclusive of the day of service, and answer said petition, or that judgment by default will be taken against you, and each of you, and the prayer of the said petitioner will be granted, with costs.

In witness whereof I have hereunto set my hand, and affixed the seal of the said court, this 10th day of January, in the year [SEAL.] of our Lord one thousand eight hundred and fifty-seven, at Los Angeles aforesaid.

C. SIMS, *Clerk.*
Pr. J. H. COLEMAM, *Dep'ty.*

82 Summons received January 10th, 1857.
EDWARD HUNTER, *U. S. marshal.*
Pr. M. L. GOODMAN, *Dep'ty.*

I served this summons, along with the proper copy of the petition, upon Julian Workman, by delivering to him personally, a true copy of same, at Los Angeles, in the southern district of California, on the 19th day of January, A. D. 1857.
EDWARD HUNTER, *Marshal.*
Pr. M. L. GOODMAN, *Dep'ty.*

Sworn to and subscribed before me this 20th January, 1857.
C. SIMS, *Clerk.*
Pr. J. H. COLEMAN, *Dep'ty.*

Filed on return, this 20th of January, 1857.
C. SIMS, *Cl'k.*
Pr. J. H. COLEMAN, *Dep'ty.*

83 UNITED STATES OF AMERICA,
Southern district of California, ss:

The President of the United States to Julian Workman and E. O. Crosby, greeting:

Take notice, that a petition, a copy of which is herewith served upon you, has been filed against you, and each of you, in the district court of the United States, in and for the southern district of California, on the 5th day of January, in the year of our Lord one thousand eight hundred and fifty-seven, at the city and county of Los Angeles, in said district, by P. Ord, U. S. att'y, praying said court to review the decision of the United States land commissioners, of the 26th June, 1855, confirming your claim to the land called "ex-mission of San Gabriel, with its appurtenances," and that you, and each of you, are required to appear at said court, in said city, within ten days after the service hereof, if served on you within the county of Los Angeles; and within twenty days if served on you in the county of San Diego or San Bernardino; and within forty days if served on you in any other county of said State, exclusive of the day of service, and answer said petition, or that judgment by default will be taken against you, and each of you, and the prayer of the said petitioner will be granted, with costs.

In witness whereof I have hereunto set my hand, and affixed the seal of the said court, this 10th day of January, in the year [SEAL.] of our Lord one thousand eight hundred and fifty-seven, at Los Angeles aforesaid.

C. SIMS, *Clerk.*
Pr. J. H. COLEMAN, *Dep'ty.*

84 Summons received January 10th, 1857.
EDWARD HUNTER, *U. S. marshal.*
Pr. M. L. GOODMAN, *Dep'ty.*

I served this summons, along with the proper copy of the petition, upon E. Crosby, by delivering to him personally, a true copy of same, at Los Angeles, in the southern district of California, on the 10th day of January, A. D. 1857.

EDWARD HUNTER, *U. S. Marshal.*
Pr. M. L. GOODMAN, *Dep'ty.*

Sworn to and subscribed before me.

, *Clerk.*

Filed on return, the 10th January, 1857.

C. SIMS, *Cl'k.*
Pr. J. H. COLEMAN, *Dep'ty.*

85 *Answer of claimant.*

In the district court of the United States for the southern district of California:

County of Los Angeles, ss:

THE UNITED STATES, appellants,
vs.
JULIAN WORKMAN et al., appellees. } Docket 345.—Transcript 697.

And now, on this day, comes the said defendants above named by their attorney, and, by leave of court first had and obtained, they submit this their answer to the petition of review filed on behalf of the appellants in the above entitled cause.

1st. The defendants admit that they did present their petition to the board of U. S. land commissioners for the confirmation of a certain claim held and owned by them, as alleged in their said petition, and known and called the "ex-mission of San Gabriel, with the appurtenances, situate and lying in the county of Los Angeles, State of California aforesaid, which claim of petitioners and present appellees they admit were duly confirmed by the said board of land commissioners.

2dly. Def'ts further answering say, that they neither admit nor deny the allegations in the petition to which this answer is a response, averring the several facts of a duly certified copy or transcript of the proceedings and decision of the said commissioners in said cause, with the evidence, &c., being filed in the office of the clerk of this honorable court, and that the Attorney General of the United States received a duly certified copy or duplicate thereof, and there-
86 upon filed in behalf of the United States a notice, according to law and the practice of this court, of appeal in said cause, but require proof thereof according to law and the practice of this court.

3d. Further answering, def'ts admit that the lands claimed by said def'ts, and known as the ex-mission of San Gabriel, and appurtenances aforesaid, are situate in the county of Los Angeles, State of California, and within the jurisdiction of this court; and they aver, and insist, that their said claim is in every respect a perfect, valid,

and subsisting claim, and that the decree of the board confirming the same as aforesaid, is in every respect legal and proper, and ought to be in every important particular fully and entirely affirmed.

Further answering, respondents say that the said claim as set forth in their petition filed as aforesaid, before the said board of land commissioners for the State of California, is in every respect a perfect, legal, and equitable claim, and that they are entitled to hold all and singular the lands therein mentioned and described, known as the ex-mission of San Gabriel, and appurtenances, as their own proper estate, by title in fee-simple, indefeasible; wherefore, they pray that the petition of review herein filed may be in every particular denied, and that the honorable court will fully and entirely affirm the decision of the board of land commissioners in this cause, made and [ ] aforesaid, and grant unto these respondents the lands entire as set forth and described in their original petition filed before the said board, confirming to them by its decision all and singular the lands and appurtenances asked for and claimed to the extent laid down and in manner and form as described and set forth in their said original petition.

And they further pray of this honorable court such other and additional relief as may be consistent with equity and good
87 conscience, and as their legal and equitable rights may entitle them to.

V. E. HOWARD, *Att'y for resp'dts.*

Filed Jan'y 29th, 1857.

C. SIMS, *C'lk.*

Motion for hearing.

THE UNITED STATES, appellants,
vs.
JULIAN WORKMAN et al., appellees. } No. 345.

On motion of J. R. Gitchell, esq., attorney of the United States, it is ordered that this case be set down for hearing on the 21st day of April, A. D. 1859.

Filed Dec'r 15th, 1858. C. SIMS, *C'lk.*

Whereupon, the following proceedings were had, to wit:

Order for hearing.

United States district court, southern district of California. December term, A. D. 1858.

DECEMBER 15, 1858.

JULIAN WORKMAN, appellees,
vs.
THE UNITED STATES, app'lts. } No. 345.

Now, on this day, come the the parties aforesaid, by their attorneys aforesaid, and on motion of J. R. Gitchell, esq., U. S. dist. att'y, the counsel of claimant being present and consenting,

88 It is ordered, that this cause be set down for hearing on the 21st day of April, 1859, and that the parties have leave in the meantime to proceed to take testimony in said cause under the rules of this court.

Continuance.

United States district court, southern district of California. December term, A. D. 1857.

APRIL 21st, A. D. 1858.

JULIAN WORKMAN, app'lee, *ads.* THE UNITED STATES, app'lts. } No. 345.

Now, on this day, (being day upon which this cause was set down for hearing) come the parties aforesaid, by their attorneys aforesaid. Whereupon, this cause, the parties consenting, is continued by the court to the first Monday in June, 1859, at Monterey.

Notice of trial.

In the district court of the United States for the southern district of California.

THE UNITED STATES, appellants, *vs.* JULIAN WORKMAN, appellees. } In D. C., No. 345. Mission San Gabriel. In L. C., No. 687.

To the said appellees, or his attorneys:

You are hereby notified that the above entitled cause will be brought up for a hearing before said district court on the first day of the
89 next term thereof, to be holden in the city of Monterey, district aforesaid, commencing on the 6th day of June, A. D. 1859, or as soon thereafter as the same can be heard.

ISAAC HARTMAN, *of counsel for appellants.*

MAY 12, 1859.

May 12, 1859. Received a copy of the within.

VOLNEY E. HOWARD,
Pr. ALDRICH.

Filed this 2d June, 1859. C. SIMS, *Clerk.*
Pr. W. W. STETSON, *Dep.*

Stipulation to file map.

In the United States district court, southern district of California.

THE UNITED STATES, appellants, *vs.* WILLIAM WORKMAN et al., appellees. } In D. C., No. 345. In L. C., No. 697.

It is stipulated between the parties that the appellees have leave to file, as evidence in this case, within 40 days from the date hereof,

a map and survey of the premises claimed in this case, heretofore made by Henry Hancock, esq., deputy U. S. surveyor.

June 14, 1859.

J. R. GITCHELL,
U. S. district attorney.
V. E. HOWARD,
For appellees.

Filed June 14, 1859. C. SIMS, *Clk.*

90 *Deposition of J. M. Moreno.*

JULIAN WORKMAN, appellee,
vs.
THE UNITED STATES, appellants. } Case No. 345.

Deposition of Jose Matias Moreno, taken before C. Sims, United States commissioner for the district of California, at the United States court-house, in the city of Los Angeles, on Tuesday, the 14th day of June, A. D. 1859, at 10 o'clock a. m. on said day, on behalf of the appellee, by the consent and agreement of the parties, to be used as testimony in a certain cause now pending in the U. States district court for the southern district of California, being case No. 345 on the docket of said court, wherein the United States are appellants, and Julian Workman is appellee.

Present: J. R. Gitchell, attorney in behalf of the appellants, and V. E. Howard in behalf of the appellee, and J. M. O'Neil as interpreter.

Questions by counsel of appellees.

Quest. What is your name, age, and place of residence?

Ans. My name is Jose Matias Moreno, am 40 years of age, and reside in the county of San Diego, State of California.

Quest. What office, if any, did you hold, and Pio Pico hold, in California in June, 1846?

Ans. I was secretary of state, and Pio Pico held the office of civil governor for the State of California.

Quest. State whether in your office as secretary there was a book of registry, or "Toma de Rason," for the year 1846, and what use was made of it?

Ans. There was such a book in my office, which was used for the registering of land titles granted by the government.

91 Quest. In what mode were they registered?

Ans. When the titles were correct they were registered with the date of them, and the number of leagues in the title, and with the description of the place the ranch granted. It was a compendium memorandum. When I would sign, it was done by signing my surname with my rubric. I also wrote on the title itself that a note of this title has been made in the proper book.

Quest. Are you able to state whether all the titles granted during the time you acted as secretary were registered in the form you have stated?

Ans. All that was granted during my term of office was so entered.

Quest. Do you recollect that during the time you acted as secretary Pio Pico granted the title of any mission to Hugo Reid and Julian Workman? and, if yea, state when and where it is situated.

Ans. During that term I know that a bargain was made between Pio Pico and Hugo Perfecto Reid and Julian Workman for the sale of the mission of San Gabriel. It is situated near Los Angeles city, and is a mission well known.

Quest. Was a title issued to them, and, if so, what is the date of it?

Ans. Yes; there was a written document given to them in the form of a title, but do not recollect the date. I think it was in May or June, 1846.

Quest. State what you recollect, if anything, which was
92 done in relation to its registry in the book of Toma de Rason.

Ans. It was noted, and a memorandum made in that book.

Quest. When was it so registered?

Ans. On the day of the date of the title.

Quest. When was it delivered to the parties?

Ans. On the same day. As Mr. Reid was there, it was delivered to him.

Quest. Do you know anything of the payment of any moneys by either Workman or Reid on account of this title?

(Question objected to by counsel for appellants on account of the mode of proving payment.)

Ans. The governor told me that it was regulated. I do not know of my own knowledge whether anything was paid, but I was under that impression. It was a part of the bargain that they should pay the debts of the mission, but I do not know whether they paid them or not. JOSE MATIAS MORENO.

Sworn and subscribed to before me this the 14th day of June, A. D. 1859. C. SIMS, *U. S. com'r.*

Filed this 14th June, 1859. C. SIMS, *Clk.*

Summons for witnesses.

93 The President of the United States of America to Leonardo Cota and John Roland, greeting:

We command you that all and singular, business and excuses being laid aside, you, and each of you, be and appear before the judge of the district court of the United States for the southern district of California, at a regular term of said court, at the court-room in the city of Monterey, on the 9th day of June, A. D. 1859, at 10 o'clock a. m. of said day, to testify and give evidence in a certain cause pending in said court on the part of the United States.

And this you in no wise omit, under the penalty upon you, and every one of you, of two hundred and fifty dollars.

Witness Hon. Isaac S. K. Ogier, judge of the district court of the

[SEAL.] United States, at the city of Los Angeles, this 1st day of June, A. D. 1859.

C. SIMS, *Cl'k.*,
Per W. W. STETSON, *Deputy.*

This is to certify that I served a copy of the within subpœna personally on John Roland this 2d day of June, 1859, in the city of Los Angeles.

JAMES C. RENNIE,
U. S. Marshal for the southern district of California.

This is to certify that I used all due diligence to find Leonard Cota, and was unable to find him.

LOS ANGELES, *June* 6th, 1859.

94 JAMES C. RENNIE,
U. S. Marshal for the southern district of California.

Filed in office June 15, 1859.

C. SIMS, *Cl'k.*

Whereupon the following proceedings were had, to wit:

Trial.

In the United States district court, southern district of Cal'a. June t erm, 1859.

MONTEREY, *June* 15, 1859.

JULIAN WORKMAN et al. *ads.* THE UNITED STATES. } No. 345.

Now, on this day, came the parties into court by their respective attorneys, whereupon Isaac Hartman, esq., of counsel for the United States, having concluded his argument therein, the same was continued till to-morrow for further argument.

Submission of cause.

In the United States district court, southern district of Cal'a. June term, 1859.

MONTEREY, *June* 16, 1859.

JULIAN WORKMAN et al. *ads.* THE UNITED STATES. } No. 345.

Now, on this day, came the parties aforesaid by their respective attorneys, whereupon the argument of Mr. Holliday, att'y for
95 claimants, in reply to counsel for appellants, the same was finally submitted to, and taken under advisement by the court for its consideration and decision.

[For map see original.]

97 MISSIONS.

[Translation.]

EXHIBIT I.—*Decree relating to the secularization of the missions of California.*

Article 1. The government will proceed to secularize the missions of Upper and Lower California.

Art. 2. In each of said missions shall be established a parish, served by a secular clergyman, with a stipend of from two thousand to two thousand five hundred dollars a year, as the government shall decide.

Art. 3. These parochial curates shall not recover or receive any fees for marriages, baptisms, or under any other name. As regards fees for processions, they shall be entitled to receive such as may be specifically named in the list made out for that object, as concisely as possible, by the reverned bishop of the diocese, and approved by the supreme goverment.

Art. 4. The churches which have served in each mission shall serve as parish churches, with the sacred vases, ornaments, and other articles, which each possesses at present, and such additional furniture belonging to said church as the government may deem necessary for the more decent use of said parish.

Art. 5. The government shall cause to be laid out a *campo santo* for each parish out of the way of the population.

Art. 6. Five hundred dollars a year are appropriated for the service and worship in each parish church.

Art. 7. Of the houses belonging to each mission, the most suitable shall be selected as the residence of the curate, the land ap-
98 propriated to him not to exceed two hundred yards square, and the rest shall be specially devoted to a town-house, primary school, and public establishments and offices.

Art. 8. In order to provide promptly and effectively for the spiritual wants of both the Californias, there is established in the capital of the Upper a vicarship, which shall have jurisdiction over the two territories, and the reverend diocesan shall endow it with the most ample powers.

Art. 9. Three thousand dollars are appropriated as an endowment to this vicarship, the vicar being required to discharge his duties free of charge under any pretext or name, not even for paper.

Art. 10. If, for any cause whatever, the parochial curate of the capital, or any other parish in the district, shall act as vicar, there shall be paid to him one thousand five hundred dollars, besides the stipend of his curacy.

Art. 11. There shall not be introduced any custom which shall require the inhabitants of California to make offerings, however pious they may be, although they may be termed *necessary;* and neither time nor the will of the said inhabitants shall give them any force or weight whatever.

Art. 12. The government shall take effectual care that the reverend diocesan shall contribute, so far as he is concerned, to fulfil the objects of this law.

Art. 13. The supreme government shall provide for the gratuitous transportation, by sea, of the new curates that may be appointed and their families, and besides, may give to each one, for his traveling by land, from four to eight hundred dollars, according to the distance and the number of his family which he brings.

Art. 14. Government shall pay the traveling expenses of the religious missionaries who move; and that they may be accommodated on land as far as their colleges or convents, may give to each from two to three hundred dollars, and, at discretion, so much as may be necessary to such as have not sworn to support the independence, that they may leave the republic.

Art. 15. The supreme government shall pay the expenses arising under this law, out of the products of the securities, capitals,
99 and rents which are regarded as the pious fund in the missions of California.

August 17, 1833.

[Translation.]

EXHIBIT II.—*Figueroa's provisional rules for the secularization of the missions.*

Article 1. The governor, agreeable to the spirit of the law of the 17th August, 1833, and to the instructions which he has received from the supreme government, will, with the co-operation of the prelates of the missionary priests, partially convert into pueblos the missions of this territory, beginning in the next month of August, and commencing at first with ten missions and afterwards with the remainder.

Art. 2. The missionary priests will be exonerated from the administration of temporalities, and will only exercise the functions of their ministry in matters appertaining to the spiritual administration, until the formal division of parishes be made, and the supreme government and diocesan provide curates.

Art. 3. The territorial government will reassume the administration of temporalities in the directive part, according to the following bases:

Art. 4. The supreme government will, by the quickest route, be requested to approve of these provisional regulations.

Distribution of property and lands.

Art. 5. To every individual head of a family, and to all those above twenty-one years of age, although they have no family, a lot of land, whether irrigable or otherwise, of not exceeding four hunded varas square, nor less than one hundred, shall be given out of the common lands of the missions; and in community a sufficient quantity of land shall be allotted them for watering their cattle. Common lands shall be assigned to each pueblo, and when convenient, municipal lands also.

100 Art. 5. One-half of the self-moving property (cattle) shall be distributed among the said individuals, in a proportionable and equitable manner, at the discretion of the governor, taking as a basis the last accounts of all kinds of cattle presented by the missionaries.

Art. 7. One-half or less of the chattels, instruments, and seeds on hand and indispensable for the cultivation of the ground, shall be divided proportionably among them.

Art. 8. The remainder of all the lands, landed property, cattle, and all other property on hand, will remain under the care and responsibility of the mayordomos, or other officers whom the governor may name, at the disposal of the supreme federal government.

Art. 9. From the common mass of this property the subsistence of the missionary padres, the pay of the mayordomos, and other servants, and the expenses of religious worship, schools, and other objects of policy and ornament, shall be provided.

Art. 10. The governor, having under his charge the direction of temporal affairs, will determine and regulate, according to circumstances, all the expenses necessary to be laid out, as well for the execution of this plan as for the conservation and augmentation of this property.

Art. 11. The missionary minister will select the locality in the mission which may best suit him, for his own habitation, and that of his servants and attendants; and he shall be furnished with the necessary furniture and implements.

Art. 12. The library, sacred dresses, ornaments, and furniture of the church, shall be put in charge of the missionary padre, under the responsibility of the person who acts as subscriber, and whom the priest himself shall elect, and a reasonable salary be given for his troubles.

Art. 13. General inventories shall be made of all property on hand in each mission, with due separation and explanation of the different branches; of the books, debit and credit, and all kinds of papers; of the amount owing by and to the missions; which document and account shall be forwarded to the supreme government.

101 *Political government of the pueblos.*

Art. 14. The political government of the pueblos shall be organized in perfect conformity with the existing laws; the governor will give the necessary instructions to have the ayuntamientos established and elections made.

Art. 15. The economical government of the pueblos shall be under the charge of the ayuntamientos; but, as far as regards the administration of justice in contentious affairs, they will be subject to the primary judges of the nearest towns constitutionally established.

Art. 16. The emancipated Indians will be obliged to assist at the indispensable common labor which, in the opinion of the governor, may be judged necessary for the cultivation of the vineyards, orchards, and cornfields, which, for the present, remain undisposed of until the resolution of the supreme government.

Art. 17. Said emancipated Indians will render to the missionary priest the necessary personal service for the attention of his person.

Restrictions.

Art. 18. They cannot sell, burden, or alienate, under any pretext, the lands which may be given them; neither can they sell their cattle. Whatever contracts may be made against these orders shall be of no value; the government will reclaim the property as belonging to the nation, and the purchasers shall lose their money.

Art. 19. The lands whose owners shall die without heirs, shall revert to the possession of the nation.

General orders.

Art. 20. The governor will name such commissioners as he may see fit to carry this plan and its incidents into effect.

Art. 21. The governor is authorized to resolve any doubt or matter which may arise relative to the execution of these regulations.

Art. 22. Until these regulations be put in force, the reverend missionary padres are prohibited from slaughtering cattle in
102 large quantities, except the common and ordinary number accustomed to be killed for the subsistence of the neophytes, without allowing any waste.

Art. 23. The debts of the mission shall be paid in preference, out of the common mass of the property, at the time and in the manner that the governor shall determine.

That the fulfilment of this law may be perfect the following rules will be observed:

1st. The commissioners, so soon as they shall receive their appointments and orders, shall present themselves at the respective missions and commence the execution of the plan, being governed in all things by its tenor and these regulations. They shall present their credentials respectively to the priests under whose care the mission is, with whom they shall agree, preserving harmony and proper respect.

2d. The priests shall immediately hand over and the commissioners receive the books of accounts and other documents relating to property claims, liquidated and unliquidated; afterwards general inventories shall be made out, in accordance with the 13th article of this regulation, of all property—such as houses, churches, workshops, and other local things—stating what belongs to each shop; that is to say, utensils, furniture, and implements; then, what belongs to the homestead; after which shall follow those of the field; that is to say, property that grows, such as vines and vegetables, with an enumeration of the shrubs, if possible, mills, etc.; after that, the cattle and whatever appertains to them; but as it will be difficult to count them, as well on account of their number as for the want of horses, they shall be estimated by two persons of intelligence and probity, who shall calculate, as nearly as may be, the number of each species to be inserted in the inventory. Everything shall be in regular form

in making the inventory, which shall be kept from the knowledge of the priests, and under the charge of the commissioner or steward; but there shall be no change in the order of the work and services, until experience shall show that it is necessary, except in such matters as are commonly changed whenever it suits.

3d. The commissioner, with the steward, shall dispense with all superfluous expense, establishing rigid economy in all things that require reform.

103 4th. Before he takes an inventory of articles belonging to the field, the commissioner will inform the natives, explaining to them, with mildness and patience, that the missions are to be changed into villages, which will only be under the government of the priests so far as relates to spiritual matters: that the lands and property for which each one labors are to belong to himself, and to be maintained and controlled by himself, without depending on any one else; that the houses in which they live are to be their own, for which end they are to submit to what is ordered in these regulations, which are to be explained to them in the best possible manner. The lots will be given to them immediately, to be worked by them as the 5th article of the regulations provides. The commissioner, the priest, and the steward shall choose the location, selecting the best and most convenient to the population, and shall give to each the quantity of ground which he can cultivate, according to his fitness and the size of his family, without exceeding the *maximum* established. Each one shall mark his land in such manner as may be most agreeable to him.

5th. The claims that are liquidated shall be paid from the mass of property; but neither the commissioner nor the steward shall settle them without the express order of the government, which will inform itself on the matter, and, according to its judgment, determine the number of cattle to assign to the neophytes, that it may be done, as heretofore, in conformity with what is provided in the 6th article.

6th. The necessary effects and implements for labor shall be assigned in the quantities expressed by the 7th article, either individually or in common, as the commissioner and priest may agree upon. The seeds will remain undivided, and shall be given to the neophytes in the usual quantities.

7th. What is called the priesthood shall immediately cease: the female children whom they have in charge being handed over to their fathers—explaining to them the care they should take of them, and pointing out their obligations as parents. The same shall be done with the male children.

8th. The commissioner, according to the knowledge and information which he shall acquire, shall name to the government,
104 as soon as possible, one or several individuals, who may appear to him suitable and honorable, as stewards, according to the provisions of the 8th article, either from among those who now serve in the missions, or others; he shall also fix the pay which should be assigned them, according to the labor of each mission.

9th. The settlements which are at a distance from the mission, and consists of more than twenty-five families, and which would desire to

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form a separate community, shall be gratified; and the appropriation of lands and other property shall be made to them as to the rest. The settlements which do not contain twenty-five families, provided they be permanently settled where they now live, shall form a suburb, and shall be attached to the nearest village.

10th. The commissioner shall state the number of souls which each village contains, in order to designate the number of municipal officers, and cause the elections to be held, in which they will proceed, conformably, as far as possible, to the law of June 12, 1830.

11th. The commissioners shall adopt all executive measures which the condition of things demands, giving an account to the government, and shall consult upon grave and doubtful matters.

12th. In everything that remains, the commissioners, the priests, stewards, and natives, will proceed according to the provisions of the regulation.

JOSE FIGUEROA.

AUGUSTIN V. ZAMORANO, *Secretary.*

Monterey, August 9, 1834.

[Translation.]

EXHIBIT III.—*Law of April* 16, 1834, *relating to the secularization of the missions of the republic.*

Article 1. All the missions of the republic shall be secularized.

Art. 2. The missions shall be converted into curacies, the limits of which shall be designated by the governors of the States where the said missions are.

105 Art. 3. This decree shall take effect within four months from the day of its publication.

April 16, 1834.

[Translation]

EXHIBIT IV.—*Instructions given by the central government to Don Jose M. Hijar in relation to the secularization of the missions and colonization of California.*

Instructions by which Don Jose Maria Hijar, political chief of Upper California and director of the colonization of that and Lower California, is to govern himself.

Article 1. He will cause a beginning to be made in occupying all the property belonging to the missions of both the Californias, and the military commandant under his responsibility will lend, whenever required to do so, the necessary aid for the said occupation.

Art. 2. For the term of a year from the day on which the colonists shall arrive at the place they are to occupy, each one shall be allowed fifty cents a day, if they be four years beyond the term of their majority, and twenty-five cents if they be of a less age.

Art. 3. The expenses of traveling by sea and land shall be charged to the confederation. All the means of conveyance furnished, or which should be furnished, shall be given to the colonists, in full ownership.

Art. 4. Communities shall be formed by uniting the number of families which are sufficient to live in security, selecting situations that are suitable on account of the quality of the soil, the abundance and salubriousness of the waters, and the favorableness of the winds.

Art. 5. The frontier stations shall be settled at the earliest period practicable.

Art. 6. Topographical plans shall be prepared on which shall be designated and marked the squares of which the settlement is to consist. The length of each side of the square shall be one hundred yards, and all of its sides shall be equal. The width of the streets shall be twenty yards, and no lanes or alleys shall be permitted to exist in them. The open spaces shall be divided into ten streets each, besides the great *plaza* which shall be in the centre of the settlement.

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Art. 7. Special care will be taken to collect into the villages the natives, mingling them with the other inhabitants, and no community will be permitted to exist composed entirely of them.

Art. 8. In each of the sections of the villages lots will be given to families that they may build houses; but they will not be suffered to build beyond the lines marked out for streets.

Art. 9. Outside of the villages, to each family, will be given, in full proprietorship and control, four portions of land, if it be irrigable, eight if it be temporal, (land dependent upon the seasons,) and sixteen if it be under water. There shall also be given four cows, two yoke of oxen or bulls, two tame horses, four colts, four young mares, four head of the smaller description of stock, two male and two female, besides the number of ploughs usually furnished.

Art. 10. Between every two lots belonging to individuals, there shall be an opening of public equal to two lots.

Art. 11. After the distribution of the movable property of the missions of California, one-half of the remaining property shall be sold in the most advantageous manner.

Art. 12. There shall not be sold to any one family more than two hundred head of cattle of the same kind.

Art. 13. The remaining half of the movable property shall be reserved for the general government, and shall be applied to the expenses and subsistence of the missionaries and the payment of the salaries of the masters of the primary schools, the supplies of necessaries to the children of both sexes in the schools, and the purchase of implements of husbandry, which are to be furnished *gratis* to the colonists.

Art. 14. The political chief and director of colonization shall give at present, and annually hereafter, a detailed account of the products of the property of the missions, of the changes in them, and of the articles that are left, and the distribution of the movable property among the colonists.

Art. 15. He shall furnish, at least once in each year, re-
107 turns of the condition of the colonists, of the causes of losses, if there be any, and the means of making them prosper.

LOMBARDO.

Office of the First Secretary of State,
Department of the Interior, Mexico, April 23, 1834.

[Translation.]

EXHIBIT V.—*Regulations respecting the missions which had been secularized agreeably to the supreme order of 17th August*, 1833.

EXTRA SESSION of Nov. 3, 1834.
Territorial Deputation.

1st. In conformity with the 2d article of the law of 17th August, 1833, there is allotted, *ad interim*, to priests who discharge the duties of parochial curates, the sum of one thousand five hundred dollars to such as serve as curates of the first class, and a thousand dollars to those of the second class.

2d. The curacies which are regarded as of the first class are those of the united population of San Diego and San Dieguito, San Luis Rey, Las Flores and the population annexed, San Gabriel and Los Angeles, the two united populations of Santa Barbara, San Carlos and Monterey together, Santa Clara united to San José de Guadalupe and San José, San Francisco Solano, San Rafael and Coloma. Those which are regarded as of the second class are, San Juan Capistrano, San Fernando, San Buenaventura, Santa Ynez and La Purisima, San Luis Obispo, San Miguel, San Antonio, and La Soledad, San Juan Bautista and Santa Cruz, San Francisco de Asis, and El Presidio.

3d. In conformity with the 8th and 9th articles of the law referred to, R. P. commissary prefect, Señor Francisco Garcia Diego, will reside in this capital; and the political chief will request of the reverand diocesan to confer upon the said prelate the powers belonging to said vicarship. His salary will be three thousand dollars a year, as provided by said law.

4th. The vicar and curates will be governed in all other respects by the law of August 17, 1833, already cited.

108 5th. Until the government shall provide parochial curates, the respective prelates will discharge the duties, provisionally, with the consent of the political chief.

6th. In conformity with the 6th article of said law, five hundred dollars a year will be paid for worship and service in each parish.

7th. The salaries of the vicar, curates, and amount for worship, will be paid from the common fund of the suppressed missions. The political chief will give orders that it may take effect.

8th. The 17th article of the provisional regulation of secularization, which required Indians to give personal services to the priests, is of no effect.

9th. In accordance with the 7th article of the said law, the political chief will cause the places for the dwellings of the curates, the town-houses, primary schools, and offices to be ascertained.

10th. The other points to which the superintendence of the Rev. Prelate Fr. Narcisco Duran shall be devoted, as works determined on, are such as are authorized by the political chief as provided by the rticle of the laws.

11th. This resolution shall be communicated, with the order to the prelates, that they may make it known to those under them.

Addition to second article.

Curacies that embrace two or more villages shall regard the first named as the head, where the officiating curates reside in the suppressed missions of San Diego and Santa Barbara.

[Translation.]

EXHIBIT VI.—*Law of the Mexican Congress suspending the execution of the act of August* 17, 1833.

Until the curates shall take possession under the 2d article of the law of August 17, 1833, the government shall suspend the execution of the remaining articles, and keep matters in the condition in which they were before the passage of said law.

MEXICO, *November* 7, 1835.

109

[Translation.]

EXHIBIT VII.—*Rules and regulations of Governor Alvarado, respecting missions, January* 17, 1839.

The fact of there not having been published in due season a set of regulations, to which the management of the *administradores* of the missions ought to have been subject from the moment the so-called secularization was attempted, having caused evils of great transcendency to this Upper California—as these officers, authorized to dispose without limit of the property under their charge, do not know how to act in regard to their dependence upon the political government—and that of the most excellent departmental junta not being at present in session to consult with, respecting the necessary steps to be taken under such circumstances, since the regulations of said secularization neither could nor can take effect, on account of the positive evils attending the fulfilment thereof, as experience itself has demonstrated—has induced this government, in consideration of the pitiful state in which said establishments at present are, to dictate these provisional regulations, which shall be observed by said administrators, who shall subject themselves to the following articles :

Article 1. All persons who have acted as administrators of missions, will, as soon as possible, present to the government the accounts corresponding to their administration for due inspection, excepting those persons who may have already done so.

Art. 2. The present administrators, who, at the delivery of their predecessors, may have received said documents as belong to the archives, will return them to the parties interested, who, in virtue of the foregoing article will themselves forward them to government, they being solely responsible.

Art. 3. Said officers will likewise remit those belonging to their administration up to the end of December of last year, however long they may have been in office.

Art. 4. Said officers will remit as soon as possible an exact account of the debts owing by and to the missions, which may at different times have been contracted.

110 Art. 5. Under no title or pretext whatever shall they contract debts. whatever may be the object of their inversion, nor make sales of any kind, either to foreign merchants or to private persons of the country, without the previous knowledge of government; for whatever may be done to the contrary shall be null and without effect.

Art. 6. The amounts owed by the establishments to merchants and private persons cannot be paid without an express order from government, to which must likewise be sent an account of all such property of each mission as it has been customary to make such payments with.

Art. 7. Without previous permission from said government, no kind of slaughtering of cattle shall take place, except what is necessary for the maintenance of the Indians, and the ordinary consumption of the house; and even with respect to this the person in charge will take care that, as far as possible, no female animals be killed.

Art. 8. The traffic of mules and horses for woolen manufactures, which has hitherto been carried on, in the establishments, is hereby absolutely prohibited; and in lieu thereof, the person in charge will see that the looms are got into operation, so that the wants of the Indians may thus be supplied.

Art. 9. At the end of each month, they will send to government a statement of the ingress and egress of all kinds of produce that may have been warehoused or distributed, it being understood that the Indians at all times are to be provided for in the customary manner with such productions; to which end the administrators are empowered to furnish them with those which are manufactured in the estabment.

Art. 10. The administrators will in this year proceed to construct a building on account of the establishment, to serve them for a habitation, and they may choose the locality which they may deem most convenient, in order that they may vacate the premises which they now occupy.

Art. 11. They shall not permit any individual of those called *de razon* (white people) to settle themselves in the establishments while the Indians remain in community.

Art. 12 They will at an early period present a census of all the inhabitants, distinguishing their classes and ages, in order to

111 form general statistics; and they will likewise mention those who are emancipated and established on the lands of said establishments.

Art. 13. The establishments of San Carlos, San Juan Bautista, and Sonoma, are not comprehended in the orders of this regulation. The government will regulate them in a different manner; but the admin-

istrators, who at different times may have had the management of their property, will be subject to the orders contained in articles one and two.

Art. 14. They will likewise remit an account of all persons employed under them, designating their monthly pay, according to the orders which may have been given, including that of the reverend padres, with the object of regulating them according to the means of each establishment; and these salaries shall not be paid now, nor hereafter, with self-moving property.

Art. 15. The administrators will, under the strictest responsibility, fulfil these orders with the understanding that, in the term of one month, they shall send the information required of them.

Art. 16. Government will continue making regulations respecting everything tending to establish the police to be observed in the establishments, and the manner to be observed in making out the accounts.

Art. 17. For the examination of these accounts, and everything thereto relating, the government will appoint a person with the character of inspector, with a competent salary, to be paid out of the funds of said establishments; and this person will establish his office where the government shall appoint, and have regulations therefor in due time.

[Translation.]

EXHIBIT VIII.—*Instructions to be observed by W. E. Hartnell in the inspection of the establishments of the missions of Upper California.*

Article 1. It being a matter of the greatest importance that
112 the missions be regulated as intended when I published my provisional regulations of the 17th of January last, you will methodize the order which you consider best adapted to obtain the monthly information required, and have the annual accounts of the missions kept, and you will instruct the administrators how they shall organize them.

Art. 2. You will, with prudence and foresight, take an exact account of the self-moving property, and all other property on hand, calculating, as near as possible, the number of cattle, if it cannot be exactly got at.

Art. 3. In order to examine and count said cattle, you will take along with you a person of probity and information, who will attend to this business; and you will offer him the compensation which you may deen just for his services while the inspection lasts.

Art. 4. On presenting yourself at each of the establishments you will inform the administrator of the object of your arrival, referring to him or manifesting to him the respective orders, so that there may be no legal pretext for not punctually observing them.

Art 5. If any of the administrators of the missions should make known to you any palpable wants which in your opinion ought to be immediately remedied, you will take the proper steps to do so, although it may be necessary to dispose of some of the produce on hand in the stores.

Art. 6. Should any of the reverend padres, or other persons employed, make any complaints to you relating to the management of the administrators, you will with due prudence make the decision which you think most just, and use your utmost endeavors to keep up harmony among all classes.

Art. 7. You will exhort the administrators to use all possible economy in the use of provisions, weekly and annual slaughtering of cattle, and crops of all kinds of eatables, in order by all these means to further the progress of these establishments.

Art. 8. You are authorized to regulate the weekly and annual slaughtering which it has been customary to make in the missions, taking into consideration the number of calves, marked (annually) so that the stock of cattle may not diminish.

113 Art. 9. You will likewise recommend the administrators to be affable in their treatment of Indians, and that the punishment they inflict be moderate and proportioned to their state of uncivilization; and that (the administrators) see that frequent divine service agreeably to the education which they have received.

Art. 10. If any of the administrators should disobey the orders of this government and not fulfil them duly, in spite of the good treatment you give them, you will inform the government by a courier, that it may determine what is to be done; and in case that circumstances should require it, you are authorized to suspend such officer for the time that you may consider necessary, and put the mayordomos in charge in the meantime, in order that the labors of your commission be not paralyzed; and you will likewise inform the government, in order that it may determine what may be convenient.

Art. 11. The government expects from your zeal that you will be diligent in your commission, collect all kinds of information, and make the necessary observations for the formation of the police regulations which were promised in those of the 17th, already cited.

ALVARADO.

[Translation.]

EXHIBIT IX.—*Regulations of Governor Alvarado respecting the missions of California, dated March* 1, 1840.

Experience having proved in an undoubted manner that the missions of Upper California, for want of regulations organizing the management of the persons in charge of them, have in a short time suffered reverses and losses of great moment. The many abuses which are found to exist in the administration of the property of said missions, obliged this government to issue the regulation of 17th January, last year; but as it has been found that those have not been sufficient to root out the evils which are experienced, particularly on account of the high salaries with which the establishments are burdened, and which they cannot support; and being desirous to establish economy and a regular administration until the supreme

114 government determine what it may deem proper, I publish the present regulations, which are to be strictly observed:

Article 1. The situations of administrators in the missions of Upper California are abolished, and in their stead mayordomos are established.

Art. 2. These mayordomos will receive the following salaries: Those of San Diego and San Juan Capistrano, one hundred and eighty dollars; those of Santa Barbara, San Luis Obispo, San Francisco de Asis, and San Rafael, two hundred and forty dollars; those of San Buenaventura, La Purisima, San Miguel, and San Antonio, three hundred dollars; those of San Fernando and Santa Ynez, four hundred dollars; those of San Luis Rey and San Gabriel four hundred and twenty dollars; the one of Santa Clara, four hundred and eighty dollars, and the one of San José, six hundred dollars.

Art. 3. The former administrators may occupy said situations, provided that they be proposed in the manner pointed out by these regulations.

Art. 4. The situation of inspector, and the office established agreeable to the 17th article of the regulations of the 17th January, last year, shall continue, with a salary of three thousand dollars per annum, and his powers will be hereafter designated.

Obligations of mayordomos.

Art. 5. To take care of everything relative to the advancement of the property under their charge, acting in concert with the reverend padres in the difficult cases which may occur.

Art. 6. To compel the Indians to assist in the labors of the community, chastising them moderately for the faults which they may commit.

Art. 7. To see that said Indians observe the best morality in their manners, and oblige them to frequent the church, at the days and hours that have been customary; in which matter the reverend padres will intervene in the manner and form determined in the instructions given by the inspector to the administrators.

Art. 8. To remit to the inspector's office a monthly account
115 of the produce they may collect into the storehouses, and an annexed one of the crops of grain, liquors, etc., and of the brandiug of all kinds of cattle.

Art. 9. Said account must be authorized by the reverend padres.

Art. 10. To take care that the reverend padres do not want for their necessary aliment, and furnish them with everything necessary for their personal subsistence, as likewise to vaqueros and servants which they may request for their domestic service.

Art. 11. To provide the ecclesiastical prelates all the assistance which they may stand in need of, when they make their accustomed visits to the missions through which they pass; and they are obliged, under the strictest responsibility, to receive them in the manner due to their dignity.

Art. 12. In the missions where the said prelates have fixed their residence, they will have the right to call upon the mayordomos at any hour when they may require them; and said mayordomos are required to present themselves to them every day at a certain hour, o know what they require in their ministerial fun c

Art. 13. To furnish the priests of their respective missions all necessary assistance for religious worship; but in order to invest any considerable amount in this object, they will solicit the permission to do so from government, through the medium of the inspector.

Art. 14. To take care that in the distribution of goods received from the respective office to the Indians, the due proportion be observed among the different classes and description of persons; to which end the reverend padres shall be called to be present, and they will approve of the corresponding list of distribution.

Art. 15. To observe all the orders which they receive from the inspector's office, emanating from the government, and to pay religiously all drafts addressed to them by said conduct, and authorized by said government.

Art. 16. They will every three months send to the respective offices a list of the goods and necessaries they may stand in greatest need of, as well for covering the nakedness of the Indians and carrying on the labor of the establishment as to provide for the necessities of the priests and religious worship; so that, comparing these
116 requisitions with the stock on hand, the best possible remedy may be applied.

Art. 17. They will take care to furnish the necessary means of transport and provisions to the military or private persons who may be traveling on the public service; and they will provide said necessaries as well for the beforementioned persons as for the commandants of stations who may ask for assistance for the troops; and send in a monthly account to the inspector, that he may recover the amount from the commissariat.

Art. 18. They will likewise render assistance to all other private individuals who may pass through the establishments, charging them for food and horses an amount proportioned to their means.

Art. 19. They will take care that the servants under them observe the best conduct and morality, as well as others who pass through or remain in the establishments; and in urgent cases they are authorized to take such steps as they may consider best to preserve good order.

Art. 20. They may, without any charge, make use of the provisions produced by the establishments, for their own subsistence and that of their families.

Art. 21. They may employ as many servants as they consider necessary for carrying on the work of the community; but their situations must be filled entirely by natives of the establishments themselves.

Art. 22. Said mayordomos are merely allowed to request the appointment of a clerk to carry on their correspondence with the inspector's office.

Art. 23. After the mayordomos have for one year given proofs of their activity, honesty, and good conduct, in the fulfilment of their obligations, they shall be entitled (in times of little occupation) to have the government allow the Indians to render them some personal services in their private labors; but the consent of the Indians must be previously obtained.

Art. 24. The mayordomos cannot make any purchase of goods from merchants, nor make any sale of the produce or manufactures of the establishments, without previous authority from government; second, dispose of the Indians in any case for the services of private
118 persons, without a positive superior order; third, make any slaughtering of cattle, except what shall be ordered by the inspector to take place weekly, extraordinarily, or annually.

Obligations of the inspectors.

Art. 25. To make all kinds of mercantile contracts with foreign vessels and private persons of the country for the benefit of the mission.

Art. 26. To provide said establishments with the requisite goods and necessaries mentioned in the lists of the mayordomos, taking into consideration the stock of each establishment.

Art. 27. To draw bills for the payment of the debts contracted by his office, and those already due by the establishments.

Art 28. He shall be the ordinary conductor of communication between the government and the subaltern officers of said missions, as well as between all other persons who may have to apply to government respecting any business relative to said establishments.

Art. 29. He will pay the salaries of the mayordomos and other servants, take care that they fulfil their obligations, and propose to government, in conjunction with the reverend padres, the individuals whom they may consider best qualified to take charge of the missions.

Art. 30. He will determine the number of cattle to be killed weekly, annually, or on extraordinary occasions.

Art. 31. He will form the interior regulations of his office, and propose to government the subalterns which he may judge necessary for the proper management thereof.

General orders.

Art. 32. All merchants and private persons who may have any claims on said missions will, in due time, present to the inspector an account of the amounts due to them, with the respective vouchers, in order that the government may determine the best manner of settling them, as the circumstances of said mission may permit.

118 Art. 33. With respect to the missions of San Carlos, San Juan Bautista, Santa Cruz, La Soledad, and San Francisco Solano, the general government will continue regulating them as circumstances may permit.

Art. 34. Officers and magistrates of all kinds are at liberty to manifest to government the abuses they may observe in those charged with fulfilling these regulations, so that a quick remedy may be applied.

Art. 35. The government, after previously hearing the opinions of the reverend padres, will arrange matters respecting the expenses of religious worship, and the subsistence of said padres, either by fixing a stated amount for both objects, or in some other manner which may be more convenient toward attending to their wants.

Art. 36. All prior regulations and orders conflicting with the present are annulled; and if any doubt occurs respecting their observance, the government will be consulted through the established channel.

Art. 37. During the defect or temporary absence of the mayordomos, the reverend padres will, in the meantime, take charge of the establishments.

[Translation.]

EXHIBIT X.—*Petition made to the supreme government by the most illustrious senor bishop of the Californias, in his communication of the 7th inst., and a private letter of the same date.*

From the time the temporalities they created and augmented with their personal labor and their stipends were taken away from the missionaries, the seculars, and their attendants, and among them some with whom I am acquainted, to whom could not be trusted even a small quantity, entered into the possession of the property of the missions, the destruction of said property in such hands is already understood.

There should exist in the ministry of your excellency, reclamations which I have made upon this subject, and where-
119 upon the general congress passed a law suspending the ordering the secularization of the missions, which, as I conceive up to the present time, has not been carried into effect, probably by just considerations of government.

In the next reclamations I made, in the year 1836, I notified the supreme government of the evils which the missionaries have to contend with, and not the least among them that the administradores of the missions took possession of the houses in which the fathers were living—houses built by the religieuses, and in the construction of which they invested the stipends which they were receiving, and the labor of their hands. They have been compelled, as I myself can bear witness, to live there as so many bankrupts and with great inconvenience.

They keep in the habitation certain people who some nights, by their intoxication, gambling, and dancing, which with shame the neophytes are witnessing, disturb their rest! Verily unsupportable! What a miserable life for a few devoted religieuses, and so much so that many of them have contemplated the abandonment of the missions, and seek the peace and tranquillity of their minds in retirement! Tormenting life, that dissuaded many from going to the missions, not to expose themselves to so much suffering and disregard for their character! I do not wish it to be believed from this that I wish the delivery of the temporalities to the religieuses to be carried into effect.

I well know, and have already communicated it to the government, that within a short time there will be nothing of the property of those opulent missions, which the administradores received when the fathers delivered them over. What I desire is, that for the new missions that may be established, some legislation may be taken to prevent the recurrence of such flagrant disorders.

Otherwise, what missionary father is there who may wish to labor to increase the property of the unhappy Indians, if experience teaches him to know that they are to be taken away from their legitimate owners, and delivered to others to enjoy, without having cost them any anxiety or labor? Who is the religieuse that would desire to build a house, or plant an orchard for his recreation and com-
120 fort, if he has seen that they are to be taken away from him, and are taken possession of by men who before have been supported by alms from the said missionaries, and that the señors unexpectedly move and the unhappy fathers have to live at their own expense?

What I insist on, and will always insist, is that the houses and orchards which they or their predecessors have made, which are contiguous to and in immediate communication with the churches, remain to the benefit and use of the missionaries. The administradores, as they have at their disposition the Indians and property of the missions, can build a house for them, and leave the fathers in peace and quietude. I deem this measure of so great necessity, that if it is not adopted, there will not be any one who will desire to go to serve the missions. From the present time I lay the matter before the supreme government, and if it is a measure so necessary for the missionaries, what shall be said with respect to the bishop? It would be a deplorable thing that meanwhile he erects his house, he should have no place in which to collect his family, or where to put his students and ministers, neither where to commence his seminary.

Therefore, then, I pray the supreme government:

1st. That an order be issued (which I will bear) for the delivery of the houses and orchards of the mission to the missionaries, and that in the interim, that San Diego or that of San Luis Rey may be occupied by the bishop and his attendants, together with the missionary father, until the bishop can build his episcopal house, and the edifice for his seminary.

2d. As it might be anticipated, the administradores refuse the fathers the services of the Indians, and this even when offering them liberal pay. This demands another disposition of the supreme government, in order that I may be furnished servants with equitable and not arbitrary salaries. At the same time, I pray that the lands upon which to build my church, my house, and my seminary may be given me.

3d. The supreme government is well apprised that I have in my bishopric no other clergy besides the Fernandines, Zacatecans, and Dominicans religieuses of the province of Mexico, and if the pre-
121 lates of these orders should deprive us of their subjects I would not have any one with whom to fill their places for the present.

As I have been informed, the provincial father of Santo Domingo intends or contemplates withholding, from the religieuses his subjects, the powers which as missionaries in their order they are enjoying; and this measure would tend a great deal to induce the former to leave, and prevent others from going to the missions—and it should extract from the consideration that the sacrifices which they make are unprofitable to them and their religion.

Wherefore I pray the supreme government to notify the rev. provincial father not to make any innovation, and that the missionaries continue as they are until the bishop shall have clergymen to occupy their places, and till they may be able to devote themselves to the triumphant conversions. I also desire the government to commend me to the rev. guardian fathers of Guadalupe, of Zacatecas, and San Fernando, in order that they may supply me with religieuses, and that if any desire to accompany me, it may not be forbidden them.

4th. The supreme government asked the holy Pope, through our messenger to Rome, that I should be permitted to carry to my bishopric, as many clergymen (sacerdotes) as should desire to accompany me, and should meet my approbation without their respective prelates being able to prevent it. This authority did not come among those I have in my possession. I would desire, therefore, that this particular be laid before Señor Montoyo, and that meanwhile the government may be engaged with the parties when any one, whether of the secular or regular clergy shall give notice thereto of his desire to accompany me and I manifest my approbation to government.

5th. As the conversion of the heathen and the propagation of the faith is one of my principal objects, it is indispenasble that I have an agency for the accomplishment of my desires. The colleges approved by the republic, except that of Guadalupe and of Zacatecas, are failing, and this is scarcely able to protect the ten missions now under my charge. I therefore believe it to be necessary to permit me to establish a board of missionaries in my bishopric, that these may
122 continue forming new missions or parishes; and I pray the government, through our messenger to Rome, to supplicate the holy Pope that I may proceed, although with but one religieuse, to the foundation in order that the latter may confer habits and professions upon those who may desire to dedicate themselves to the all important conversion of the heathen. Likewise I request that the island called Los Angeles be given for the location of this college, or some other tract of land suitable for the purpose.

6th. The girls, generally, have suffered the want of the education and instruction necessary to make them useful in society. Therefore I desire to establish at the place of my residence a female college, for which I need an adequate tract of land.

7th. By an anomaly which I did not understand, the tithes have been collected in my bishopric on behalf of the civil government of Sonora. These authorities should be prohibited from doing this, so that the faithful may be at liberty to give them, henceforth, to the church, which, although small, will assist in the grand schemes of public beneficence that I have formed.

8th. The government burdened the charitable fund of my church by a loan which it made to Señor Teran of seventy thousand dollars, at the ruinous interest of two per cent. per month. The government obligated itself to pay (as I am informed) upwards of two hundred dollars daily, for the purpose of extinguishing this onerous debt. For a short time it fulfilled this promise, and afterwards it has left it against the fund, which, in order not to lose its threatened capital,

upon the same conditions of the loan, has been making sacrifices to fund the debt, as well as to pay the monthly interest. Under the circumstances the said fund has become destitute of the *arbitrios* of *given* the stipends to the missionaries, whose drafts are funding, and unable to render me any assistance in the expenditures which I should make to proceed to my diocese, which, as your excellency is well aware, are great. It is, therefore, just that I ask the government to provide some means to settle the debt of Señor Teran immediately, in order that the fund may remain unembarrassed.

123 I neglected to mention in my communication that I desire to locate my edifices, or rather to form a settlement on a rancho situate in front of San Diego, as well for the conveniences thereof for water and wood, as for not being littoral and exposed to the invasions of any pirate. Moreover its climate is very good. If the government should desire to have a military force there, it would be of the greatest importance to the communication with Sonora, because it would repress the Indians from the Rio Colorado, and it would also be very important in any attempt to subdue these miserable beings, and to their temporal and spiritual happiness. I am persuaded that the communication with the interior of our republic by this means would be facilitated, and the government would have more frequent intelligence from this department.

(Signed) F. FRANCO.
Obispo de Californias.

[Translation.]

EXHIBIT XI.

MINISTRY OF THE INTERIOR.

MOST ILLUSTRIOUS SIR: Having placed the communication of your most illustrious worship, of the 17th inst., before his excellency, the president, and having examined everything set forth therein, in order that you may fulfil your responsible duties as bishop of California, he has been pleased to decree in conformity with everything asked in the said communication, and also that which you solicited in a separate letter of the same date, to the extent of the prerogatives of his excellency, and in conformity with the decree of the general congress of Nov. 7, 1835, which provided that the missions remain in the state in which they existed prior to the law of August 17, 1833, for which purpose an order is issued from this ministry to his excellency, the governor of California, to restore, without delay, by means of the subaltern authorities, to the missionary fathers, the possessions and property which were under their administration for the conversion of the heathen.

124 In contestation, I communicate to your most illustrious worship. God and liberty. Mexico, November 17, 1840.

(Signed) MARIN.

MOST ILLUSTRIOUS SEÑOR, BISHOP OF THE CALIFORNIAS: At the solicitation of the señor bishop of California, I hereby certify that the

signature affixed to this document, is that of the minister of the interior at the said date, Señor Marin, according to other official documents that I have seen from said person.

San Francisco, December 20, 1851.

[L. S.] (Signed) SCHLEIDEN,
Mexican vice-consul for San Francisco.

Vice-consulate of the Mexican republic in San Francisco.

I, George Fisher, secretary of the U. S. land commissioners to ascertain and settle private land claims in California, hereby certify the foregoing to be a true and correct translation of "Exhibit No. II, P. L., annexed to the deposition of José Miguel Gomez, Dec. 29, 1854," Joseph S. Allemany *v.* The United States, now on file in this office.

In testimony whereof I have signed my name, at office, at the city of San Francisco, California, this 27th March, 1855.

GEO. FISHER, *Secretary.*

(Translation.)

EXHIBIT XII.

November 7. 1840.

His excellency, the president, has been pleased to decree, in conformity with everything the reverend bishop of the Californias has petitioned in this communication, to the full extent of his authority, and in conformity with the decree of congress of the 7th November, 1835, which ordered the missions to be restored to their former con-
125 dition; for which purpose, a general order shall be issued to the señor governor of the Californias, for the restoration, by means of subaltern authorities, without delay or impediment, of the possessions and property used by them under their administration for the conversion of the heathen to the missionary fathers, and this and all other orders issued in attention to the petition of the reverend bishop, shall be placed in the hands of his grace, for his greater success; and another order shall be delivered to him for the governor, to render him assistance in whatever may pertain to the establishment of the bishopric. And so far as respects the lands, whether they now are or have been in the possession of the missions, let an *oficio* issue to the board of directors of the bank for the purpose of conferring with his grace, so far as it may be consistent with his well known charity, upon whatever may facilitate his petitions, and he will manifest the amount of the deficiency of the *arbitrios* of the bank to the government, that it may initiate into the legislative power, or that it may be disposed of as by law provided, and let the reverend bishop be replied to by this decree.

A copy. Mexico, Nov. 21, 1840.

S. YTURBES.

Mexico, October 8, 1852. Conformable.
(Signed) JOSÈ MARIA DURAN.

I, the first clerk of the department of relations, certify the foregoing to be the authentic signature of Señor Don José Maria Duran, first clerk of the department of justice.

(Signed) I. MIGUEL ARROYO.

[Translation]

EXHIBIT XIII.—*Instructions and powers of Micheltorena.*

Under date of the 11th of February, 1842, the minister of war says what follows :

MOST EXCELLENT SIR : His excellency, the president *ad interim*,
126 being desirous that the department of California should take advantage of all the resources which it possesses, for its prosperity for placing itself in a state of defence, and for acquiring that happiness which nature itself invites her to take possession of; and bearing in mind the disturbances which have taken place in the country, and which, on account of the distance, the national government has not been able to avoid; the situation in which Y. E. will be placed, and the measures which you will have to adopt, and which will produce the desired effect, if you wait for the proper time to put them into execution, for there are matters which do not admit of the least delay, and in the persuasion that Y. E. will not abuse your powers, but that you will exercise them for the welfare and the service of all the inhabitants of that interesting and fertile department which the supreme government has placed under your charge and responsibility, he (the president) has been pleased to grant to the Y. E. over and above the attributions assigned to you by the existing laws and regulations, as governor, commandant-general and inspector, all the powers which the supreme government can confer upon you, in order that by virtue thereof you may remove from office all such civil and military officers dependent on said government who shall not fulfil their duties, or act up to the confidence reposed in them by the same, and fill their situations by appointing worthy citizens who shall take their places and enter upon their duties; but with the understanding, nevertheless, you report to government the motives of your proceedings for its approbation. The views of the supreme magistrate do not only refer to Upper California but extend likewise to Lower California, where certain seditious movements have appeared, which being fomented by hidden enemies it has caused some foreigners to take part, when their very quality of foreigners prohibits them from intermeddling in domestic strife; and, as the president is resolved to protect the troops, authorities, and citizens of said peninsula, he has determined that your military command shall likewise extend to Lower California, as well as the civil command, separating it from Sinaloa; and the commandant-general of the department of Sonora and Sinaloa,
will continue to furnish you with the resources and assistance
127 which you may require for the purpose of securing peace, furnishing the troops, providing for the wants of the citizens, and enabling you to provide for the prosperity and happiness of the

whole department. Although the 1st article of the law of 2d of February, 1839, derogated the articles of that of the 18th of February of the same year, which subjected the subordination of the staff of the army, and the 13th article of the first mentioned decree merely leaves the commandant-general of the east and west with the former attributions of inspector which they possessed in the companies of presidios; his excellency, the president, has determined that your powers shall extend as inspector to the permanent battalion of California, and that you take charge of all the mechanism thereof, and report to the staff of the army.

You will become acquainted with the good or bad management of the maritime custom-house of both Californias; you will have to examine the situation of all the missions, with respect to their management, improvement, and state of accounts; you will have to proceed to the inspection and reorganization of the companies of presidios, and in all cases, (were you not to act,) the evil would have to remain until government could resolve.

The supreme government, trusting in your justice and activity, desires that you should meet with no obstacles, and therefore the powers conferred upon you are made extensive to those branches, and to all others which may conduce to the welfare of the country, including many others, the administration of the post office department, colonization, the establishment of presidios, the improvement of ports, the safety of towns, the civilization of wild Indians, the education of youth, the opening of the roads, the furtherance of the arts, the protection of agriculture and commerce, the establishment of houses of correction, and the establishment of towns.

You know the views of the supreme government, and are well aware that, being a friend to improvement, it merely desires the union of Mexicans, and that the community in general may enjoy the protection of the laws, be obedient to their authorities, understand that it is our duty to procure the welfare of every one and avoid
128 that all others be injured. I therefore will not detain myself by recommending you to propagate these principles, and will merely mention, that when the supreme magistrate dictated his instructions, he wished to manifest to you his esteem, and the importance of the command he has confided to you, and to assure the inhabitants of California that the present administration desires their happiness, disavows all apathy, and is ready to impart to that department all the resources which it may desire, and be able to furnish it.

I communicate this to Y. E. for your satisfaction.

God and liberty! Mexico, 11th February, 1842.

TORNEL.

To Gen. Don Manuel Micheltorena.

I certify that the foregoing copy is the same as the one that was copied from the original, when I was in charge of the governor's secretaryship.

(Signed) MANUEL JIMENO.

Monterey, *July 6th*, 1850.

[Translation.]

EXHIBIT XIV.—*Proclamation of Governor Micheltorena concerning missions.*

Manuel Micheltorena, general of brigade of the republic, adjutant-general of the Plana Mayor, governor of the same, commanding general and inspector of both Californias.

It being one of the ample or complete instructions or orders, with which is invested the undersigned general and governor, viz: to examine into the situation of all the missions in his government at the present moment, their prospects and resources, in order to regulate them, and the supreme national government having transmitted all its power, according to the supreme order made February 11, 1842.

On deliberation, and with the assent of the most reverend fathers, Fray, José Joaquin Jimeno, Fray, José Ma. de Jesus Gonzalez Rubio, who have been made personally to appear before the govern-
129 ment, as presidents of other missions, as well as in the name of, and to represent the most reverend father. presidential vicar, the absent Fray, Narciso Duran, being fully impressed with and having well reflected upon all things requisite.

That vast and immense landed property formerly belonging to the mission had been scattered or partitioned out to individuals, which, at the epoch it was done, was caused by the exigencies of the country;

That the pious and charitable institutions of social order for the conversion of the savages to Catholicism and to agricultural and peaceful life, are reduced to the huertas and inclosures of the churches and buildings;

That most reverend ecclesiastics have no support but charity, and that the divine religion not prospering, barely sustains itself;

That the Indians, naturally lazy, from additional labor, scarcity of nourishment, and a state of nudity, having no fixed employment or appointed mission, prefer to keep out of the way and die impenitent in desert woods, to escape a life of slavery, filled with all privations, and without the social joys;

That this continued emigration of the natives from the service of individuals to that of missions, and from that of the missions to that of individuals or to the woods, retards more and more agriculture, and frightens off, instead of drawing together, the Gentiles from without the pale of our holy religion;

That, in the administration of the missions, there have been committed some frauds and notorious extravagance, which every inhabitant of California laments;

That, as there is no other method of reanimating the skeleton of a giant, like the remains of the ancient missions, without falling back upon experience and fortifying it with the levers of civil and ecclesiastical power;

Now, everything well considered and naturally reflected upon, I have determined to decree the following articles:

No. 1. The government departmental decrees to be "delivered up or restored" to the most rev. fathers (who shall name the ecclesiastics to be placed respectively in charge) the missions of—

130	San Diego,	San Juan Capistrano,
	San Luis Rey,	San Gabriel,
	Jan Fernando,	San Buena Ventura,
	Santa Barbara,	Santa Cruz,
	San Antonia,	La Purisima,
	Jan Jose,	Santa Clara.

Which shall continue for the future to be governed by the most rev. fathers (they taking charge of the natives) in the same manner as they were before.

No. 2. The government considers what has been done to this date as irrevocable; the missions can reclaim none of the lands granted prior to this date; and in reclaiming the cattle, chattels, and instruments of agriculture loaned by the rev. fathers, curators, or superintendents, they shall grant sufficient time and arrange with the debtors or holders amicably.

No. 3. They shall likewise take care to collect the scattered neophytes or converts: first, those lawfully exempted by the supreme departmental government; second, those who at the date of this decree are provided for by individuals; it being, however, understood that if any of both classes wish and prefer to return to their respective missions, they shall be admitted and received, with cognizance of the masters and the most rev. missionaries.

No. 4. The departmental government, in whose possession up to this day have been the missions, in virtue of the most ample powers with which it is invested, and referring to the aforesaid considerations, authorizes the most rev. fathers to apply the products of the missions to the necessary expenditures of the reduction, food, clothing, and other temporal wants of the Indians; and they shall likewise take from the same fund their own support, for the salary of the mayordomo, and for the support of the divine religion, under the condition that they shall remain obligated by their word of honor and conscience to deliver to the treasury, upon notice to the rev. fathers of this government, and the express order in writing, of the undersigned governor, commanding general, and inspector of relief, sustenance, and clothing of the troops and observances of the civil employees, the *eighth part* of the whole annual produce of every kind, keeping for the guidance of its ecclesiastics a true and exact account
131 at the end of the year of the number of their converts, possessions, real and personal, and of every description of produce, or its corresponding value, which may belong to such mission.

No. 5. The departmental government, which glories in religion as well as the whole of California, and in the same manner being interested as well as all and every one of the inhabitants of both Californias in the advancement of the holy catholic faith and in the prosperity of the country, "dedicates itself," (or places at the disposition of "all its power,") in aid of the missions, and in quality of general

commanding the power of its arm to protect and defend and sustain them, and in the possession and preservation of all the lands they may hold from this day, they shall be the same as the possessions and guarantees enjoyed by private persons, binding itself to make no new grants without the information of the respective authorities of the most rev. ministers, notorious non-occupation, non-cultivation nor necessity.

Dated 29th day of March, 1843.

MANUEL MICHELT'NA.

FRANCISCO ARCE, *Secretary.*

[Translation.]

EXHIBIT XV.—*Act of departmental assembly.*

IN EXTRA SESSION,
August 24, 1844.

The report of the committee on landed property and war, instructed to point out the means of which the government might avail itself to defray the expenses of the war with which the country is threatened by a foreign nation—in which report are five articles in relation to the missions of Upper California, as the only available resources under existing circumstances—having been taken under consideration, the five articles named were debated *seriatim*, and unanimously approved, it being decided that the original of the
132 report referred to should be recorded among the acts of the present session, a copy thereof being given to the governor of the department for his information, to be published when he should deem proper, in order to prevent abuses in these matters.

Most excellent assembly:

The special committee appointed to report with regard to the means which are presented in the communication of the governor of the department of the 12th inst., for the subsistence of the auxiliary forces raised by him in consequence of the probability of a war between our nation and the United States of the North, states that it has considered the subject with the greatest attention, and that in weighing its reflections it has not been able to decide; but, taking into view the critical situation of the country, threatened with the loss of her rights and liberty, and looking to the exhausted condition of the national treasury and the necessity of finding out means of security and defence, the only safe course pointed out by the committee to reduce the demands upon the government for that object is to have recourse to the missions, as well because they are going to ruin, being entirely out of employment, as because they should be regarded as the property of the nation, after providing suitably for their respective neophytes. It presents for your deliberation the following articles:

1. The superior government of the department may expose to sale, hypothecate, or lease the property, chattels, and cultivated lands of the missions of Upper California, including the extent from

San Diego to Sonoma, and dispose of them to defray the expenses of the war, their respective legal debts being first paid out of the price they may bring.

2. The mission of Santa Barbara, which shall exist as an episcopal palace, its neophytes being taken care of; that of Santa Ynez, as a college of instruction in the higher branches of study for the youths of California; and whatever else the government shall reserve for the national crops necessary for the subsistence of the troops shall be excepted.

3. The government shall fix the time, manner, and form, in which the said sale, hypothecation, or leasing, is to be effected, and
133 shall order a prudent division of such of the movable property as is most useful among the neophytes, respectively, giving them lands.

4. The government shall have power to except entirely the debts which some private individuals owe to the said missions, and dispose of them for the same object as the rest, of which the first article speaks.

5. The missions, when sold, shall hold thereafter the character of villages; and those which are hypothecated or rented, if they be occupied by the government as departmental property—it being provided in the regulation which is made that what is proper—shall be set apart for its support, the emoluments of the right reverend fathers, proper public worship, and the spiritual aid of the villages.

DAVID SPENCE.
PIO PICO.
NARCISCO BOLELLO.

nterey, Aug. 24, 1844.

[Translation.]

EXHIBIT XVI.—*Act of departmental assembly, 21st April, 1845.*

Pio Pico, senior vocal of the honorable assembly, and governor *ad interim* of the department of the Californias.

TO THE INHABITANTS: Know ye, that the excellent departmental assembly has convened and decreed the following:

1. The government, with the least delay, will demand exact information of all the persons having charge of the missions, in order that they may give it truthfully, of active and passive debts, showing the resources they have to pay the passive ones.

2. The government, from the publication of the present decree, will suspend, until a convenient time, the granting of the lands immediately contiguous to the missions, considering that some of them are indispensable, or reserved and appropriated under the class of common lands.

3. Likewise, the government will suspend hereafter the giving to the civilized Indians any free letter, until some decisive meas-
134 ures may be taken upon the footing on which the missions must remain.

4. The government will direct the information to the rev. father prefects, in order through them, that these prefects may direct to the reverend fathers in whose charge are the missions, in order that they may restrain any sale of the useful movables of the establishments under their charge; likewise such other things as are necessary to them. Let it be understood by the governor of the department that he will dispose, that it will be complied with, published, and circulated.

Hall of Sessions of the honorable assembly of California, April 21, 1845. PIO PICO, *President.*

AUGUSTIN OLVERA, *Secretary.*

In order that it may come to the notice of every person, I order that its publication and circulation in the towns under my jurisdiction, posting it in the accustomed places.

Given in the city of Los Angeles, capital of the department, on the 21st of April, 1845. PIO PICO.

JUAN BANDINI, *Secretary.*

[Translation.]

EXHIBIT XVII.—*Decree of the departmental assembly of May* 28, 1845, *respecting the renting of some of the missions, and converting others into pueblos, &c.*

Article 1. The departmental government shall call together the Indians of the missions of San Rafael, Dolores, Soledad, San Miguel, and La Purisima, which are abandoned by them, by means of a proclamation, which it will publish, allowing them the term of one month from the day of its publication in their respective missions, or in those nearest to them, for them to reunite for the purpose of occupying and cultivating them; and they are informed that, if they fail to do so, said missions will be declared to be without owners,
135 *(mostrencas,)* and the assembly and departmental government will dispose of them as may best suit the general good of the department.

Art. 2. The Carmelo, San Juan Bautista, San Juan Capistrano, and San Francisco Solano shall be considered as pueblos, which is the character they have at present; and the government, after separating a sufficient locality for the curate's house, for churches, and appurtenances, and court house, will proceed to sell the remaining premises at public auction in order to pay their respective debts; and the overplus, should there be any, shall remain for the benefit and preservation of divine worship.

Art. 3. The remainder of the missions as far as San Diego, inclusive, may be rented out at the option of the government, which will establish the manner and form of carrying this into execution, taking care in so doing that the establishments move prosperously onward. These respective Indians will consequently remain in absolute liberty to occupy themselves as they may see fit, either in the employment of

the renter himself, or in the cultivation of their own lands which the government will necessarily designate for them, or in the employ of any other private person.

Art. 4. The principal edifice of the mission of Santa Barbara is excepted from the renting mentioned in the foregoing article; and the government will arrange in the most suitable manner, which part thereof shall be destined for the habitation and other conveniences of his grace the bishop and his suite, and which for the reverend missionary padres who at present inhabit said principal edifice. And likewise one-half of its total rent of the other property of the mission shall be invested for the benefit of the church, and for the maintenance of its minister, and the other half for the benefit of its respective Indians.

Art. 5. The products of the rents, mentioned in article 3, shall be divided into three parts, and the government shall destine one of them for the maintenance of the reverend padre minister, and the conservation of divine worship; another for the Indians; and the last shall necessarily be dedicated by government towards education and public beneficence, as soon as the legal debts of each mission be paid.

136 Art. 6. The third part mentioned in the 5th article as destined for the maintenance of the priests and help towards divine worship, shall be placed at the disposal of the reverend prelates, for them to form a general fund, to be distributed equitably in the before-mentioned objects.

Art. 7. The authorities or ecclesiastical ministers, should there be any in the missions referred to in article 1, or those in the nearest missions, or persons who may merit the confidence of government, will be requested by said government to see that the proclamation above-mentioned be published, and to give information immediately whether the said neophytes have presented themselves or not, within the period fixed, in order that, in view of such documents, the necessary measures may be taken.

Art. 8. Government will, in the strictest manner, exact the amount owing by various persons to all the missions in general, as already ordered by the most excellent assembly, in its decree of the 24th August, 1844, and dispose of the same for the object mentioned in the last part of the 5th article.

[Translation.]

EXHIBIT XVIII.—*Act of departmental assembly, 28th Oct.*, 1845.

Of alienation.

Article 1. There will be sold in this capital, to the highest bidder, the missions of San Rafael, Dolores, Soledad, San Miguel, and La Purisima, which are abandoned by their neophytes.

Art. 2. Of the existing premises of the pueblos of San Luis Obispo, Carmelo, San Juan Bautista, and San Juan Capistrano, and which formerly belonged to the missions, there shall be separated the churches

and appurtenances; one part for the curate's house, another for a court-house, and a place for a school, and the remainder of said edifice shall be sold at public auction, where an account of them will be given.

Art. 3. In the same manner will be sold the property on
137 hand belonging to the missions—such as grain, produce, or mercantile goods—giving the preference for the same amount to the renters, and deducting previously that part of said property destined for the food and clothing of the reverend padre minister and the neophytes until the harvest of next year.

Art. 4. The public sale of the missions of San Luis Obispo. Purisima, and San Juan Capistrano shall take place on the first four days of the month of December next, notice being previously posted up in the towns of the department inviting bidders, and three publications being made in the capital at intervals of eight days one from the other before the sale. In the same manner will be sold what belongs to San Rafael, Dolores, San Juan Bautista, Carmelo, and San Miguel on the 23d and 24th of January, next year.

Art. 5. From the date of the publication of these regulations, proposals will be admitted in this capital to be made to government, which will take them into consideration.

Art. 6. The total proceeds of these sales shall be paid into the departmental treasury, to pay therewith the debts of said missions; and should anything remain, it will be placed at the disposal of the respective prelate for the maintenance of religious worship, agreeably to article 2 of the decree of the departmental assembly.

Of renting.

Art. 7. The missions of San Fernando, San Buenaventura, Santa Barbara, and Santa Ynez, shall be rented out to the highest bidder for the term of nine years.

Art. 8. To this end bidders shall be convoked in all the departments, by fixing advertisements in the town, in order that by the 5th December next they may appear in this capital, either personally or by their legal agents.

Art. 9. Three publications shall be made in this capital, at intervals of eight days each, before the day appointed for the renting, and proposals will be admitted on the terms expressed in article 5.

Art. 10. There shall be included in said renting all the lands, out-
door property, implements of agriculture, vineyards, orchards,
138 workshops, and whatever according to the inventories made, belongs to the respective missions, with the mere exception of those small portions of land which have always been occupied by some of the Indians of the missions.

Art. 11. The buildings are likewise included, excepting the churches and their appurtenances, the part destined for the curate's house, the court-house, and place for a school. In the mission of Santa Barbara no part of the principal edifice shall be included which is destined for the habitation of his grace the bishop and suit, and

the reverend padres who inhabit it; and there shall be merely placed at the disposal of the renter, the cellars, movables and workshops, which are not applied to the service of said prelates.

Art. 12. As the proceeds of the rent are to be divided into three parts, to be distributed according to article 5 of said decree, the renter may himself deliver to the respective padre, prefect, or to the person whom he may appoint, the third part destined for the maintenance of the minister and the religious worship; and only in the mission of Santa Barbara, the half of said rent money shall be paid for the same object, in conformity with the 4th article of the decree of the departmental assembly.

Art. 13. The government reserves to itself the right of taking care that the establishments prosper; in virtue of which it will prevent their destruction, ruin, or decline, should it be necessary, during the period of renting.

Art. 14. The renting of the missions of San Diego, San Luis Rey, San Gabriel, San Antonio, Santa Clara, and San José shall take place when the difficulties shall be got over which at present exist with respect to the debts of those establishments, and then the government will inform the public; and all shall be done agreeably to these regulations.

Advantages and obligations of the renters.

Art. 15. The renters shall have the benefit of the usufruct of everything delivered to them on rent according to these regulations.

Art. 16. The obligations of the renters are: 1st. To pay promptly and quarterly when due the amount of rent. 2d. To deliver
139 back, with improvements, at the expiration of the nine years, whatever they may receive on rent, with the exception of the stills, movables, and implements of agriculture, which must be returned in a serviceable state. 3d. They shall return at the same time the number of cattle which they receive, and of the same description, and of such an age as not to embarrass the procreation of the following year. 4th. They shall give bonds to the satisfaction of government before they receive the establishments, conditioned for the fulfilment of the obligations of the renters, one of which is the payment of the damages which the government may be obliged to find against them, agreeably to article 13.

Of the Indians.

Art. 17. The Indians are free from their neophytism, and may establish themselves in their missions, or wherever they choose. They are not obliged to serve the renters, but they may engage themselves to them, on being paid for their labor, and they will be subject to the authorities and to the local police.

Art. 18. The Indians radicated in each mission shall appoint from among themselves, on the first of January in each year, four overseers, who will watch and take care of the preservation of public

order, and be subject to the justice of the peace to be named by government in each mission, agreeably to the decree of 4th July last. If the overseers do not perform their duty well they shall be replaced by others, to be appointed by the justice of the peace, with previous permission from government, who will remain in office for the remainder of the year in which they were appointed.

Art. 19. The overseers shall appoint every month, from among the best of the Indians, a sacristan, a cook, a tortilla-maker, a vaquero, and two washerwomen, for the service of the padre minister, and no one shall be hindered from remaining in this service as long as he choose. In the mission of Santa Barbara, the overseers will appoint an Indian, to the satisfaction of the priest, to take care daily of the reservoir and water conduits that lead to the principal edifice. and he shall receive a compensation of four dollars per month out of the rent belonging to the Indians.

140 Art. 10. The Indians who possess portions of land in which they have their gardens and houses, will apply to this government for the respective title, in order that the ownership thereof may be adjudicated to them, it being understood that they cannot alienate said lands, but they shall be hereditary among their relatives, according to the order established by the laws.

Art. 21. From the said Indian population three boys shall be chosen as pages for the priest, and to assist in the ceremonies of the church.

Art. 22. The musicians and singers who may establish themselves in the missions shall be exempt from the burdens mentioned in article 18, but they shall lend their services in the churches, at the masses, and the *funciones* which may occur.

Of the justices of the peace.

Art. 23. The justices of the peace shall put in execution the orders communicated to them by the nearest superior authority; they will take care that veneration and respect be paid to matters appertaining to our religion and its ministers, and that the 18th and 20th articles, inclusive of these regulations, be punctually fulfilled; they will see that no one be hindered in the free use of his property; they will quiet the little disturbances that may occur, and, if necessary, impose light and moderate correction; and if the occurrence should be of such a nature as to belong to the cognizance of other authorities, they will remit to such authorities the criminals and antecedents.

[Translation.]

EXHIBIT XIX.—*Act of the departmental assembly of the 30th of March 1846, respecting missions.*

Article 1. The government is authorized to carry into effect the object of the decree of the 28th of May last, published by this honorable assembly, respecting missions; to which end, seeing the
141 impracticability of renting, mentioned in article 3 of said decree the departmental government will act in the manner which

may appear most conducive to obviate the total ruin of the missions of of San Gabriel, San Luis Rey, San Diego, and the remainder which are in similar circumstances.

Art. 2. As most of these establishments are owning large amounts, if the property on hand should not be sufficient to satisfy their acknowledged debts, attention shall be had to what the laws determine respecting bankruptcies, and steps shall be taken accordingly.

Art. 3. Should government, by virtue of this authority, find that in order to prevent the total ruin which threatens said missions, it will be necessary to sell them to private persons; this shall be done at public auction, the customary notice being previously given.

Art. 4. In case of sale if, after the debts be paid, and surplus should remain, this shall be divided among the Indians of the premises sold, government taking care to make the most just distribution possible.

Art. 5. In any case care must be taken to secure a sufficient amount for the maintenance of the padres and the expenses of public worship, the government being at liberty to separate a part of the whole establishments, whether in lands for cultivation, landed or other property, at its discretion, which will be sufficient to secure both objects, the respective priest being previously heard and attended to.

Art. 6. The premises set apart according to the foregoing article, shall be delivered as a sale at perpetual interest of four per cent.; and the proceeds shall be applied precisely to the objects mentioned in said article 5.

Art. 7. What has hitherto been done agreeably to what was ordained in the decree of the honorable assembly of 28th May before cited, remains in full force; and these presents shall in no manner alter the contracts made and measures taken by government in accordance with said decree of May, 1845; nor shall they in future put any obstacle in the way of what may be done in accordance thereto.

Art. 8. The government will remove any obstacles not foreseen in this decree; and in six months, at furthest, will notify this honorable assembly of the result of its fulfilment.

142 [Translation.]

EXHIBIT XX.—*Act of the departmental assembly of the* 31*st October*, 1846, *annulling the sale of missions and other acts of Don Pio Pico.*

The citizen José Maria Flores, captain of cavalry in the Mexican army, governor and commandant-general *ad interim* of this department to its inhabitants.

Know ye, that the honorable departmental assembly in an extraordinary session of yesterday has decreed the following:

The most excellent departmental assembly, taking into consideration the urgent necessity of providing resources for carrying on the war against the invading forces of the United States of North

America, and finding that the only way of obtaining them in a sure and prompt manner is to solicit a loan, has, in this day's session, found it expedient to decree the following, viz.:

1. The sales of missions made by Don Pio Pico, as governor, as well as all other acts done by him on the same subject, beyond his authority, are entirely annulled.

2. His excellency, the governor *ad interim*, is authorized to solicit a loan of such amount as he may consider necessary for the object indicated, it being stipulated that, in accomplishing this act in the most equitable and just manner, he may mortgage one or more of the missions for the corresponding security.

3. These establishments shall continue with the character of being rented and in possession of the renters who shall have fulfilled the conditions stipulated in the proclamation upon that subject.

4. The missions which exist under the circumstances of the preceding article shall suffer no alteration until the term of their lease shall expire, even should they be of those mortgaged; and, with respect to the others, the government will take care that the regulations formerly given on the subject be duly complied with.

143 His excellency, the governor *ad interim*, will be acquainted herewith, for his government and further ends.

Hall of Sessions of the honorable assembly of California, in the city of Los Angeles, October 30, 1846.

FRANCISCO FIGUEROA, *President.*
AUGUSTIN OLVERA, *Deputy sec'y.*
JOSE MARIA FLORES.

[Original.]

EXHIBIT XXI.

MINISTERIO DE INDUSTRIA E INSTRUCCION PUBLICA.

E. S.: Ha llegado à noticia del E. S. Presi'te que el Gobierno de ese Departam'to ha dispuesto sacar à pública subasta todos los bienes pertenecientes à las misiones del Mismo, que el antecesor de V. E. habia mandado devolver à los repectivos Misioneros para el manejo y Administracion de sus temporalidades; en consequencia, se ha servido prevenirme que ese Gobierno se sirva informar sobre estos particulares, suspendiendo desde luego todo procedim'to en cuanto à enagenacion de los bienes de que se trata, hasta la resolucion del Supremo Gobierno.

Tengo el honor de darle a V. E. con los fines indicados, protestandole mi consideracion y aprecio.

Dios y Libertad. Mexico, Noviembre 14, de 1845.

MONTESDEOCA.

E. S. Gobernador del Dep'to de Californias, Puerto de Monterey.

[Translation.]

EXHIBIT XXI.

MINISTRY OF INDUSTRY AND PUBLIC INSTRUCTION.

MOST EXCELLENT SIR: His excellency, the president, has received information that the government of that department has ordered
144 that the property belonging to the missions thereof be put up for sale at public auction, which Y. E.'s predecessor had ordered to be returned to the respective missionaries for the direction and administration of their temporalities; therefore, he has deemed proper for me to say that the said government will please to report upon these particulars, suspending immediately all proceedings respecting the alienation of the aforesaid property till the determination of the supreme government.

I have the honor to communicate it to your excellency for the purposes indicated, protesting to you my consideration and esteem.

God and liberty. Mexico, Nov. 14, 1845.

(Signed) MONTESDEOCA.

To his excellency, the governor of the department of the Californias, port of Monterey.

[Original.]

EXHIBIT XXII.

Pio Pico, Gobernador Constitucional del Departam'to de Californias:

A sus habitantes, sabed: que por el Ministerio de Relaciones Exteriores Gobernacion, y Policia, se me ha dirijido el decreto que sigue:

"MINISTERIO DE RELACIONES EXTERIORES, GOBERNACION, Y POLICIA.

R. y. P. el dia 19 y R. á los Juzgados 1o. y 2o.

El Ex'mo S'r Presidente interino de la Republica, se ha servido dirigirme el decreto que sigue:

'*Mariano Paredes y Arrillaga, General de Division y Presidente interino de la Republica Mexicana:*

A los habitantes de ella, sabed—Que considerando que por el estado en que se encuentra la Patria amagada de una guerra extrangera, é invadida una grande y preciosa parte de su territorio, es llegado el casco de obrar con la mayor actividad y energia para repeler la mas injusta de las agresiones, recuperar el territorio usurpado, y
145 conservar el lustre y decoro de la Nacion; y teniendo presente que para lograr tan grandiosos objetos, es de absoluta necesidad afianzar el órden y la paz interior; usando de las facultades que me concede la cuarta de las adiciones hechas en esta Capital en 2 de Enero del presente Año al plan proclamado en S. Luis Potosí, he tenido à bien decretar lo siguente:

Art. 1o. El Gobierno nombrará los Gobernadores de los Departamentos sin sujetarse á propuesta de las Asambleas, por hallarse la

nacion en las circunstancias extraordinarias de que habla el final de la facultad 17ª. del Art. 134 de las Bases orgánicas.

2o. En los Departamentos en donde por oposicion al actual órden de cosas se hallen disueltas las Asembleas, los Gobernadores respectivos nombrarán con aprobacion del Supremo Gobierno las personas que estimen à propósito para formarlas, por no ser justo ni conveniente que los Departamentos carezcan de los importantes servicios que deben prestarles esas corporaciones.

3o. Con igual objecto se faculta à los Gobernadores para organizar los Ayuntamientos en los puntos donde estuvieren disueltos.

4o. Se recuerda à los Gobernadores de los Departamentos, para su puntual observancia, la circular de 24 Diciembre del año próximo pasado, en que se les transmitió la ampliacion de facultades concedidas al Ejecutivo por el decreto del Congreso, fecha 21 del mismo, conforme al Art. 198 de las Bases Orgànicas.

5o. Se faculta à los Gobernadores de los Departamentos, para que en casos extraordinarios obren espediamente, y con la debida justificacion, para salvar los grandes intereses de la independencia é integridad del territorio nacional, y para asegurar la tranquilidad y el órden p blico, sin los cusales no pueden sostenerse aquellos inestimables bienes.

Por tanto, mando se imprima, publique, circule y se le dé el debido cumplimiento.

Palacio Nacional de Mexico, 13 de Marzo de 1846.

MARIANO PAREDES Y ARRILLAGA.

A. D. JOAQUIN MARIA Y CASTILLO Y LANZAS.'

146 Y lo comunico à V. para su inteligencia y fines consiguientes. Dios y Libertad. Mexico, 13 de Marzo de 1846.

CASTILLO LANZAS.

E. S'R GOBERNADOR DEL DEP'TO DE CALIFORNIAS.''

Y para que llegue à noticia de todos, mando se publique por bando, en todos los Pueblos del Departamento, se circule à quienes corresponda, y se fije en los parages públicos acostumbrados.

Dado en el Puerto de Sta. Barbara, á 4 de Julio de 1846.

PIO PICO.

JOSE MATIAS MARENO, *Srio.*

[Translation.]

EXHIBIT XXII.

Pio Pico, constitutional governor of the department of the Californias:

To the inhabitants thereof: Know ye, that the following decree has been directed to me by the minister of foreign relations, government, and police:

''MINISTRY OF FOREIGN RELATIONS, GOVERNMENT, AND POLICE.

Received and published on the 19th of the month and transmitted to the 1st and 2d judicatures.

His excellency, the president *ad interim* of the republic, has been pleased to direct me the following decree:

'*Mariano Paredes y Arillaga, general of division and president ad interim of the Mexican Republic:*

To the inhabitants thereof. Know ye:

That, on account of the actual state of the country, threatened with a foreign war, and a large and important part of its territory invaded, considering that the time has arrived to act with *of* the greatest activity and energy, to repel the most unjust aggressions, to recover the usurped territory, and to preserve the glory and honor of the nation; and convinced that, for the accomplishment of objects so grand, it is necessary to secure order and peace within; in the exercise of the powers vested in me by the 4th of the additions
147 made in this capital on the 2d of January of the present year to the plan proclaimed in San Luis Potosi, I have thought proper to decree the following:

1st. The government shall appoint the governors of the departments, irrespective of those proposed by the assemblies, in consequence of the nation being placed in the extraordinary circumstances to which the last clause of the 17th power of the 134th article of the organic law refers.

2d. In those departments where, in consequence of opposition to the present state of things, the assemblies are dissolved, the respective governors, with the approval of the supreme government, shall appoint such persons as they may deem competent to compose them, it not being just or convenient that the department suffer the want of the important services which those bodies should render them.

3d. For a similar purpose the governors are authorized to organize the ayuntamientos wherever they may have been dissolved.

4th. The attention of the governors of the departments is called to the circular of the 24th December of last year past for the punctual observance thereof, wherein is conferred upon them the extension of the powers granted to the executive by the decree of Congress, dated the 21st of the same month, in conformity with the 198th article of the organic law.

5th. The governors of the departments are authorized to act expeditiously in extraordinary cases, and with due justification to preserve the great interests of the independence and the integrity of the national domain, and to secure tranquillity and public order, without which these inestimable blessings cannot be sustained.

Therefore, I command that it be printed, published, circulated, and that the due obedience thereunto be rendered.

National Palace, Mexico, March 13th, 1846.

(Signed) MARIANO PAREDES Y ARRILAGA.

To Don JOAQUIN MARIA CASTILLO Y LANZAS.

And I communicate the same to you for your information and consequent purposes. God and liberty.

(Signed) CASTILLO LANZAS.

To his excellency the GOVERNOR OF THE CALIFORNIAS.

148 And in order that it may come to the notice of all, I order it to be published by proclamation in all the pueblos of the department, that it be circulated to those to whom it belongs, and that it be posted up in the usual public places.

Given at the port of Santa Barbara, July 4, 1846.

(Signed) PIO PICO.

(Signed) JOSE MATIAS MORENA, *Secretary.*

[Original.]

EXHIBIT XXIII.

SESION DEL DIA 30 *de Marzo de* 1846.

Aprobada la acta del dia 23 de Marzo, se le dió lectura al dictamen de la comision de Misiones haciendo algunas observaciones, en su parte expositivas, relativas al proyecto de decreto presentado por el Señor Bandini en la sesion anterior que trata de Misiones concluyendo la comision con la peticion siguiente: Pide que se ponga á discusion el proyecto del Señor Bandini en los mismos terminos que está concebido, protestando el presidente de dicha comision, que no puede dar su voto en favor por no ser conforme con su modo de pensar, y pedido por el Señor Figueroa se le dispense la segunda lecturo, admitido; y entendido el voto particular del Señor Argüello que dice; no conveniendome con el segundo párrafo de la parte expositiva sujeto mi voto particular á la discusion, á lá que se puso la proposicion mencionada del Señor Bandini la cual concluye con los articulos siguientes.

1o. Se autoriza al Gobierno para que haga efectivo el objeto del decreto de 28 de Mayo del año po. po. expedido por esta Honorable Asamblea relativo á Misiones: y á cuyo fin en lo impracticable del arriendo prevenido en el arto. 3o. de dicho decreto, el Gobierno del Departamento obrará del modo que crea ser mas conveniente para evitar la ruina total de las Misiones de San Gabriel, San Luis Rey, San Diego y las demas que se halan en iguales circunstancias. Sin discusion fue aprobado.

2o. Como los demas de dichos establecimientos tienen grandes creditos en su contra, si sus existencias no fuesen suficientes á cubrir sus deudas calificadas, se tendra, presente lo que dis-
149 ponen las leyes con respecto á quiebras y se procederá conforme á ellas. Sin discusion fue aprobado.

3o. Si de la autorizacion del Gobierno resultare que este, para evitar la total destruccion á que caminan las dichas misiones, determinase la venta de ellas á particulares, te verificará á remate publico precediendo los avisos acostumbrados. Sin discusion fue aprobado.

4o. En el caso de venta, despues de satisfechas las deudas, si hubiese sobrante, se repartirá, á los indios de la comunidad de la finca vendida, valiendose el Gobierno del modo que sea mas compatible á la justa distribucion. Sin discusion quidó aprobado.

5o. En todo caso siempre se tendrá presente asegurar lo necesario á la subsistencia de los padres ministros, y gastos para la conservacion del culto divino, pudiendo el gobierno determinar una parte del total

fincas, ya consista en tierras de labor, bienes raices, u otras que á juicio del gobierno, oyendo y atendiendo à los religiosos respectivos, aseguren ambos objectos. Sin discusion fue aprobado.

6o. Las fincas que se determinen conforme al precedente arto. seran entregadas. como en venta à censo perpetuo, al cuatro por ciento. Este producto previamente serà aplicable a lo que previene el mismo articulo 5o. Sin discusion fue aprobadà.

7o. Queda en todo su valor y fuerza lo practicado hasta ahora, segun lo dispuso el decreto de la honorable assemblea de 28 de Mayo citado, y el presente en nada alterarà los contratos y disposiciones tomados por el gobierno con arreglo al propio decreto de Mayo 1845, ni para lo sucesivo impedirá lo que se pueda practicar conforme à él. Sin discusion fue aprobado.

8o. El gobierno salvarà los inconvenientes que no se hayan podido prever, por el presente decreto; y à lo mas dentro de seis meses mientras dure su ejecucion, darà cuenta à esta honorable assemblea de los resultados en su cumplimiento. Sin discusion fue aprobado.

Y no habiendo otra cosa de que ocuparse por hoy, se levantó la sesion, à que no asistieron los Señores Abrego, por hallarse infermo; Botello, por tenor licencia; y Noriega ausente en comision del gobierno departamental. Entre renglones "dure" vale.

PIO PICO,
Presdte.

AUGUSTIN OLVERA, *S'rio.*

[Translation.]

150

EXHIBIT XXIII.

SESSION OF 30*th of March*, 1846.

The record of 23d of March having been approved, the report of the committee on missions was read. They made several remarks in connection therewith, touching the plan of a decree presented by Señor Bandini in the preceding session in regard to the missions, and concluded with the motion that the plan presented by said Bandini be fully discussed on the basis in which it was presented. The chairman of said committee, protesting that he cannot vote for it, as it does not meet his views. It was then moved, by Señor Figueroa, that the second reading of the aforementioned report of said committee on missions be dispensed with; which was approved. Señor Arguello then said that, not agreeing with the matters expressed in the second paragraph of the report, he gave notice that his vote would be withheld until after discussion of the whole subject, and thereupon moved that the proposition mentioned by Señor Bandini, which concluded with the following articles, be so discussed:

1st. The executive of this department is hereby authorized to carry into effect the objects of the decree of 28th of May of last year, passed by this honorable assembly, relating to missions—that, where it is impracticable to rent them, as provided in article 3 of said last mentioned decree, said executive shall proceed in what it believed to be the most efficient manner to obviate the total ruin of the missions of San Gabriel, San Luis Rey, and San Diego, as well as all others that were in the same situation. Approved without discussion.

2d. As the other remaining establishments are largely indebted, if the present amount of property belonging to the same should be insufficient to liquidate all the qualified debts thereof, then proceedings shall be had in conformity with law concerning insolvents. Approved without discussion.

151 3d. If, by the authority hereby conferred, the governor, in order to prevent the total destruction to which said missions are tending, should determine to sell them to private individuals, it shall be done at public auction, giving the usual notice thereof. Without discussion, approved.

4th. In case of sale, after the debts have been satisfied, should there be any surplus remaining therefrom, it shall be divided among the Indians of the establishments so sold, the executive having the right to prescribe the manner in which the distribution shall be made, most compatible with justice. Approved without discussion.

5th. In all cases, it shall be necessary to secure the subsistence of the reverend fathers and the expenses of divine worship, for which the executive shall be empowered to set apart a portion from the property for that purpose, either in arable lands, other real estate, or property of any other kind, which in his opinion, after hearing and consulting with the respective priests, may best secure both objects. Approved without discussion.

6th. The establishments that may be disposed of agreeably to the preceding article shall be delivered as sold, subject to a perpetual contribution of four per cent. This income shall be preferably applicable to the uses referred to in the same article 5th. Approved without discussion.

7th. Whatever has been done up to this time remains in full force and vigor, as provided by the decree of the honorable assembly of the 28th of May aforesaid, and the present decree shall in no manner alter any contracts or arrangements made by the executive in conformity with said decree of 28 May, 1845, nor shall it hereafter prevent in any manner anything that may be done in conformity thereto. Without discussion, approved.

8th. The executive will reserve the right to obviate all inconveniences that may arise within the present decree which cannot now be foreseen, and within six months after sales he shall report to this honorable assembly the results touching this decree. Without discussion, approved.

There being no other matter to occupy the honorable assembly this day, it thereupon adjourned. There being absent Señor
152 Abrego, for sickness, Señor Botello, excused, and Señor Noriega, absent on business of the government.

PIO PICO, *President.*

AGUSTIN OLVERA, *Secretary.*

[Original.]

EXHIBIT XXIV.

SESION DEL DIA 8 *de Abril*, 1846.

Aprobada la acta del dia —— se dió cuenta con una comunicacion oficial del Señor Vocal, Don José Abrego, como contestacion á la que

con fecha, 6 de Mzo., se le pasó por la corporacion, á cuya contestacion accompaña un certificado de dos facultativos, por el que acredita hallarse enfermo de una relajacion, y le impide montar à caballo, y de consiguiente separarse del punto donde reside por tener que ponerse en cura. La Exma. Asamblea q consideró por justa la imposibilidad del Señor Abrego para el desempeño de las obligaciones que la ley le impone como diputado, acordó en consecuencia que por tales razones quedaba exonerado de la concurrencia à las sesiones, y con tal motivo entrase à cubrir la falta el primer suplente.

En seguida se dio cuenta——

[Translation.]

EXHIBIT XXIV.

SESSION OF *8th of April*, 1846.

Approved the record of —— day of ——. Noted the official communication of Señor Abrego, a member of this hon. body, in answer to one sent from the same, under date of March 6th, which is accompanied with the certificates of two competent persons, wherein he states that he is unwell, so much so as to be unable to mount a horse, and in consequence of such sickness was obliged to be removed from his residence to another locality, for the purpose of being
153 cured. The excellent assembly justly considered the impossibility of Señor Abrego to fulfil the obligations imposed on him by law as a deputy, and agree that in consequence of and for reason of the same he should be excused from attending the sessions thereof, and that his place be filled in the meantime by the first alternate, which was referred for after action.

Afterwards was taken up for consideration——

[Original.]

EXHIBIT XXV.

SESION DEL DIA, 15 *de April, de* 1846.

Leida y aprobada la acta del dia 30 de Marzo po. po., se dio cuenta con el nombramiento que, para Gobernador Constitucional de este Departamento, hizo el Exmo. Sor. Presidente de la Republica, en la persona del Exmo. Sor. Don Pio Pico à virtud de la propuesta que elevó la corporacion en 27 de Junio anterior. Quedó impuesto el Honorable Cuerpo de la Suprema determinacion, y à consecuencia de haber manifestado El Exmo. Sor. que preside hallarse apto para prestar el juramento de la ley, y que por tanto se le señalase el dia que le habia de hacer, hubo lugar à una detenida discusion con motivo de que no habia numero suficiente de individuos en la Asamblea ante quien debe verificarse tal acto, y resultó por conclusion, considerando ser urgente el asunto, que se admitiese la siguiente proposicion que hizo el Sor. Bandini:

"Mientras se cumple el termino de las licencias que se les ha concedido por este Honorable Cuerpo à dos de sus vocales, le llamarà al

suplente que esté mas inmediato à esta Capital, siempre para que haya numero competente."

Puesto à discusion y estandolo suficientemente, se aprobó à unanimidad.

Se dio cuenta igualmente con lo siguiente, una comunicacion oficial del Ministerio de Relaciones, fecha 14 de Noviembre ultimo, dirigida al Gobierno Departamental en la que por disposicion superior, se le pide informe sobre lo que haya determinado con respecto à
154 Misiones, que se sabe han sido puestos à publica subasta los bienes de ellas que se habian entregado à los Padres para el manejo de temporalidades, y que entre tanto se dé dicho informe, se suspenda todo procedimiento en cuanto à enagenacion de los bienes referidos.

Se acordó por la corporacion que siendo esta nota directa al Gobierno del Departamento, se le devolviese para que manifestàra su sentir y entonces pudiera atenderse el asunto.

Con el Soberano decreto de sies de Agosto que señala la asignacion de rentas à los departamentos. Enterado.

Con una circular de Ministro de Relaciones, fecha 21 de Octubre pasado, relativa à que se organize la fuerza de policià que debe haber en cada poblacion, y està determinada por las bases organicas, teniendo la Asamblea facultad por el articulo 134, en su parte 19a. de decretar la que debe haber en el Departamento y reglamentar su servicio conforme à la parte citada. Se mando pasar à la comision de Policia.

Con un oficio de la Comandancia-General de este departamento, fechado en Monterey, à 17 de Marzo, en el que se adjunta una proclama à que se dio igualmente lectura, dirigida à los habitantes à consecuencia de los acontecimientos habidos por los puntos del norte con el Capitan de los Estados Unidos, Don J. C. Fremont, conteniendo dicho oficio un pàrrafo por el cual se advierte que la Comandancia-General previene que no habiendo pasado el Exmo. Sor. Gobernador à hacer la vista à aquellos lugares como ha solicitado para que à ella se hubiera unido à fin de operar, va à proceder conforme à las ordenes supremas que tiene à la vista, para impedir las miras de los aventureros que se introducen por aquella frontera. Enterada la corporacion, usó de la palabra el Sor. Bandini, y pronunció un discurso por el cual repugnaba los procedimientos del Sor. Comandante-General, poniendo en claro el uso abusivo que hace de su autoridad esta persona, sin miramiento alguno ni atencion al respecto obligatorio que le imponen las leyes, y concluyó proponiendo que el Gobierno le conteste, con decoro al mismo tiempo que con la arrocancia y energia que demanda un hecho tan escandaloso como el que se ha consumado. Y no habiendo otro asunto mas que tratar, se levantó la sesion.

PIO PICO, *Presidente.*

AUGUSTIN OLVERA, *Secretario.*

155 [Translation.]

Exhibit XXV.

Session of 15*th of April*, 1846.

Read and approved the record of March 30th, last past.

The subject of the appointment of constitutional governor of this department by his excellency, the president of the republic, conferred on his excellency, Don Pio Pico, approving the action of this body which elevated him to that station, on the 27th of June last, was taken up for consideration. The supreme determination now being known to this honorable body, and his excellency presiding having given notice that he is ready to take the oath of office, and having appointed the day for so doing, a long discussion took place in consequence of there not being a sufficient number of members in the assembly before whom such an action has to be verified, and considering the urgency of the case, the following proposition was submitted by Señor Bandini:

"That until the termination of the leave of absence granted by this honorable body to two of its members, the nearest alternates to this capital shall be summoned, to make the number complete;" which being fully discussed and sufficiently understood, was unanimously approved.

The official communication of the minister of relations, under date of November 14th, last past, directed to the executive of this department, was acted upon, in which the minister asks for information, concerning what had been determined or done in respect to the missions; that information had been received that the property belonging to them, which had been delivered to the priests for the management of their temporalities, had been put up at public auction and sold, and that until such information as asked for could be given, to suspend all proceedings relating to the alienation of the aforesaid property. Whereupon it was considered that its being a note addressed directly to the executive of this department, that before any action be had upon it by this body, it be referred back to him for an expression of his opinion thereon.

156 The sovereign decree of the 6th of August, determining the distribution of the public revenue among the departments was also taken up; duly considered, and filed.

A circular from the minister of relations was next considered, under date of October 21st, last past, relative to the organization of a police force in every village of the departments, as required by the organic bases; the assembly deriving authority from clause 19, art. 134, to determine by law how large a force is necessary for the department and to regulate its duties agreeably to said clause. Referred to committee on police.

The reading an official despatch from the commandancy-general of this department, dated at Monterey, March 17th, to which was subjoined a proclamation, also read, addressed to the inhabitants, setting forth what had taken place at the north with Capt. J. C. Frémont, of

the United States. Said despatch also contained a paragraph stating that as his excellency, the governor, had not visited the principal points at the north, as solicited by the commandant-general for the purpose of co-operating together, that he will proceed in conformity with general orders at hand and frustrate the views of those adventurers that enter the country by that frontier; which, having been heard by this body, Señor Bandini delivered a speech condemning the proceeding of the commandant-general, showing clearly the abusive manner in which he had made use of his authority, being without any regard or attention to the obligations the laws impose upon him, and recommended the executive should answer him respectfully, but with the dignity and energy which so scandalous an act as he had committed demanded. And there being nothing else before the session, it there fore adjourned.

PIO PICO, *President.*

AGUSTIN OLVERA, *Secretary.*

[Original.]

EXHIBIT XXVI.—*Mission de San Juan Capistrano.*

El dia cuatro de Diciembre de 1845, el Gobierno puso en venta publica y al mejor postor, la parte del edificio principal de la
157 Mision de San Juan Capistrano que resulta sobrante despues de la separacion de Yglesia, casa cural, consistorial, de escuela y carcel, asi como de tres huertas de arboles frutales, y viña, y de los muebles de la pertenencia de dicha Mision, con excepcion de lo perteneciente al templo, y resultaron compradores los Señores D'n Juan Forster y Don Santiago Mackinley, mediante la cantidad de Setecientos diez pesos que pagaràn el 10 de Agosto de 1846, al Gobierno Departamental y à los acreedores à la expresada Mision que este les señale.

En 6 de Diciembre se les libró el titulo de propiedad.

Pio Pico, Local Decano de la Asemblea Departamental y Gobernador Provisional de las Californias :

{ Gobierno del Dep'to [EAGLE.] De Californias. }

En virtud de haberse celebrado, el dia cuatro del corriente mes en esta capital, en publica subasta y al mejor postor, la venta de la parte del edificio principal de la Mision de San Juan Capistrano que resulta sobrante despues de la separacion de Yglesia, casa cural, consistorial, de escuela y carcel, asi como de las tres huertas de arboles frutales y viña, y de los muebles de la pertenencia de dicha Mision con excepcion de lo perteneciente al templo, resultaron compradores de todo lo mencionado los Señores Dn. Juan Forster y Dn. Santiago Mackinley, por haber sido los últimos y mejores postores en la oferta que hicieron de setecientos diez pesos.

En consecuencia y en uso de las facultades que me confirió la Exma. Asamblea Departamental en su acuerdo relativo de 4 de Julio del pre-

sente año, y de conformidad con el reglamento de 28 de Octubre último pasado, declaro por las presentes letras que los mencionados Dn. Juan Forster y Dn. Santiago Mackinley son dueños legalmente de la parte del edificio, de las tres huertas y muebles de la Mision de San Juan Capistrano que les fueron vendidos, mediante la cantidad de setecientos diez pesos, que pagarán en moneda corriente ó en cueros y sebos á precio de plata, el diez de Agosto del año mil ocho cientos cuaranta y seis, al Gobierno Departamental ó à los acreedo res à la ex-
158 presada Mision que le sean designados por este, pudiendo desde ahora, y en virtud de este despacho, tomor la posesion judicial de la finca, huertas, y muebles mencionados, que les darà el Juez respectivo.

Por tanto mando que teniendose el presente por titulo firme y valedero, se toma razon de él en el libro de asientos sobre adjudicacion de terrenos, y se entregue à los interesados para so resguardo y demas fines.

Dado en la ciudad de Los Angeles, en este papel comun por falta del sellado, á seis de Diciembre de mil ochocientos cuarenta y cinco.

PIO PICO.

JOSE MA. COVARRUBIAS, *S'rio.*

Queda tomada razon de este titulo en el libro respectivo.

COVARRUBIAS.

[Translation.]

EXHIBIT XXVI.—*Mission of San Juan Capistrano.*

On the fourth day of December, 1845, the government put up at public sale, and to the highest bidder, that part of the principal building of the mission of San Juan Capistrano which remains after the separation of the church, the rectory, town house, school-house, and prison; as also three orchards of fruit trees and vines, and the movable goods belonging to said mission, excepting what belongs to the temple; and the purchasers proved to be Messrs. Juan Forster and Santiago Mackinley, by means of the consideration of seven hundred and ten dollars, which they are to pay on the 10th of August, 1846, to the departmental government or to the creditors of said mission, which the latter may designate to them.

On the 6th of December of the same year there was issued to them a title of ownership.

159 Pio Pico, senior member of the departmental assembly and provisional governor of the Californias:

By virtue of having, on the fourth day of this month in this capital at public auction and to the highest bidder, effected a sale of the part of the principal building of the mission of San Juan Capistrano, which remains after the separation of the church, rectory, town-house, school-house, and prison; as also three orchards of fruit trees and vines, and the movable goods belonging to said mission except

what belongs to the temple; the purchasers of all the foregoing proved to be Juan Forster and Santiago Mackinley, as having been the last and highest bidders in the offer they made of seven hundred and ten dollars.

In consequence whereof, and in exercise of the power vested in me by the excellent departmental assembly in its resolution relative hereto on the fourth of July, this year, and in conformity with the regulations of 28th of October, last past, I declare by the present letters patent that the said Juan Forster and Santiago Mackinley, are lawful owners of the part of the building, of the three orchards and the movable property of the mission of San Juan Capistrano, which was sold to them by means of the consideration of seven hundred and ten dollars, which they are to pay in current money or in hides and tallow, at cash prices, on the 10th of August, in the year 1846, to the departmental government, or to the creditors of said mission, who may be designated by said government; being enabled from this day, and by virtue of this document, to take the judicia possession of the building, orchards, and movable property aforesaid. which the respective magistrate will give them.

Wherefore I order that these presents, being held as a firm and valid title-deed, it be entered in the book of registry of adjudication of lands and delivered to the interested parties for their security and other purposes.

Given in the city of Los Angeles, on this common paper for want of stamped, on the 6th of December, in the year 1845.

PIO PICO.

JOSE MA. COVARRUBIAS, *Sec'y.*

Note of this superior title is taken in the respective book.

COVARRUBIAS.

160 [Original.]

EXHIBIT XXVII.—*La Purisima.*

Pio Pico Vocal Decano de la Asamblea Departamental y Gobernador Provisional de las Californias.

En virtud de haberse celebrado, el dia cuatro del corriente mes, en esta Capital en publica subasta y al mejor postor, la venta del edificio principal de la Mision de la Purisima, de las dos viñas de Jalama, tierras y muebles de la pertenencia de esta Mision con excepcion de lo perteneciente al templo ó iglesia, resultó comprador de todo lo mencionado, el Sor. Don Juan Temple por haber sido el ultimo y mejor postor en la oferta que hizo de mil ciento diez pesos.

En consecuencia y en uso de las facultades que me confirió la Exma. Asamblea Departamental en su acuerdo relativo de 4 de Julio del presente año, y de conformidad con el reglamento de 28 de Octubre ultimo pasado, declaro por las presentes letras que el mencionado Dn. Juan Temple es dueño legalmente del edificio de la Mision de la Purisima, de las dos viñas, tierras y muebles que le fueron

vendidos, mediante la cantidad de mil ciento diez pesos en moneda corriente ó en cueros y sebos, à precio de plata, que pagarà el 10 de Agosto del año de 1846, al Gobierno Departamental, ó a los acreedores de la expresada Mision que le sean designados por este, pudiendo desde ahora, y en virtud de este despacho, tomar la posesion judicial de la finca, viñas tierras y muebles mencionados que le dará el juez respectivo.

Por tanto mando, que teniendose el presente por titulo firme y valedero se tome razon de él en el libro de asientos sobre adjudicacion de terrenos, y se entregue al interesado para su resguardo y demas fines. Dado en la ciudad de Los Angeles, en este papel comun por falta absoluta dell sellado, a seis de Diciembre de mil ochocientos cuarenta y cinco.

PIO PICO.

JOSE MA. COVARRUBIAS, *S'rio.*

Queda tomada razon de este titulo en el libro respectivo. Angeles fecha *ut s pra.*

COVARRUBIAS.

I61 { Gobierno del Dep. [EAGLE.] De Californias. }

Sirvase Vd. mandar pagar al Señor A. B. Thompson, ó á su orden, la cantidad de pesos tres cientos setenta y seis con seis reales, (376 ps. 6 rs.,) del valor ocasionado por la venta de la Mision de la Purisima cuya cantidad deducirá Vd. de la mayor que tiene que entregar, recabando del interesado el respectivo recibo para su resguardo.

Angeles à 16 de Mayo de 1846.

PIO PICO.

Sor. Don Juan Temple, del comercio en esta Capital.

Recibí la arriba expresada cantidad, Angeles, Mayo 18 de 1846.
A. B. THOMPSON.

{ Gobierno del Depto. [EAGLE.] De Californias. }

Recibí del Señor Don Juan Temple la cantidad de doscientos pesos metalicos (200 ps.) por cuenta de mayor cantidad que debe entregar à este Gobierno por la compra que hizo de la Mision de la Purisima, y para su resguardo le doy este en la ciudad de Los Angeles a 1o. de Junio de 1846. PIO PICO.

DON JOSE NORIEGA:

Sirvase V. pagar á Don Pio Pico, Gobernador de este Departamento, la cantidad de quinientos treinta-tres pesos, dos reales, (533 ps. 2 rs.,) en metalico, cobrando un recibo en que se expresa que con

esta cantidad ya está satisfecha la cantidad de mil ciento y diez pesos, (1,110 ps.,) en que fue rematada la Purisima con sus tierras, &c.

Angeles, Junio 15 de 1846.

JUAN TE MPLE.

162 { Gobierno del Dep. [EAGLE.] de Californias. }

Recibí Santa Barbara, Junio 22 de 1846.

PICO.

[Translation.]

EXHIBIT XXVII.—*La Purisima.*

Pio Pico, senior member of the departmental assembly, and provisional governor of the Californias:

By virtue of their having been effected on the fourth of the current month, in this capital, at public auction and to the highest bidder, the sale of the principal edifice of the mission of La Purisima, of the two vineyards of Jalama, lands and movables or chattels belonging to this mission, with the exception of what belongs to the temple or church, Mr. John Temple became the purchaser of all the above-mentioned, being the last and highest bidder in the offer which he made of one thousand one hundred and ten dollars.

In consequence and in exercise of the powers which the most excellent departmental assembly conferred upon me in their decree of the 4th of July of the present year, and in conformity with the regulations of the 28th of October last past, I declare by the present letters that the above mentioned Mr. John Temple is lawfully owner of the edifice of the mission of La Purisima, of the two vineyards, lands and chattels, that were sold to him, in the sum of one thousand one hundred and ten dollars in current money, or in hides and tallow at their cash price, which he will pay the 10th of August of the year 1846, to the departmental government, or to the creditors of the above-mentioned mission, who will be designated to him by this government; being able from this moment, by virtue of this title, to take judicial possession of the edifice, vineyards, lands, and chattels mentioned, which will be given by the proper judge.

163 Therefore, I command that, taking the present for a firm and valid title, an entry be taken of it in the book of registry of adjudication upon lands, and be delivered to the person interested, for his security and other ends.

Given in this city of Los Angeles, on this common paper, for absolute want of sealed paper, on this sixth day of December, A. D. 1845.

PIO PICO.

JOSE MA. COVARRUBIAS,
Secretary.

Note has been taken of this title in the respective book. Angeles, date as above.

COVARRUBIAS.

A translated copy of a draft of Pio Pico against Mr. John Temple.

{ Governor of dep. [EAGLE.] of the Californias. }

Please pay to Mr. A. B. Thompson, or his order, the sum of three hundred and seventy-six dollars and seventy-five cents, ($376 75,) out of the value arising from the sale of the mission of La Purisima; which sum you will deduct from the greater which you have to deliver, receiving from the party interested a proper receipt for your security.

PIO PICO.

Angeles, 16 May, A. D. 1846.

Mr. JOHN TEMPLE, of the commerce of this capital.

Received the above-mentioned sum. Angeles, May 18, A. D. 1846.

A. B. THOMPSON.

A translated copy of a receipt of Gov. Pio Pico to Mr. John Temple.

{ Governor of dep. [EAGLE.] of the Californias. }

Received of Mr. John Temple the sum of two hundred dollars, ($200,) coined money, on account of a larger sum which
164 he is obligated to deliver to this government for the purchase which he made of the mission of La Purisima; and for his security I give him this, in the city of Los Angeles, on the 1st June, A. D. 1846.

PIO PICO.

A translated copy of John Temple's draft against Don Jose Noriega in favor of Pio Pico.

DON JOSE NORIEGA:

Please pay to Don Pio Pico, governor of this department, the sum of five hundred and thirty-three dollars, twenty-five cents, in coined money, taking a receipt wherein it states that, with this amount, the sum of one thousand one hundred and ten dollars, ($1,110,) for which La Purisima, its lands, etc., were sold, is paid.

JOHN TEMPLE.

Angeles, June 15, A. D. 1846.

{ Governor of dept. [SEAL.] of the Californias. }

Received, Santa Barbara, June 22, 1846.

PICO.

[Original.]

EXHIBIT XXVIII.—*San Luis Obispo.*

Pio Pico, vocal decano de la exma. asamblea departamental y gobernador provisional de las Californias:

{ Gobierno del depto. [EAGLE.] de Californias. }

En virtud de haberse celebrado, el dia cuatro del corriente mes en esta capital, en publica subasta, y al mejor postor, la
165 venta de la parte del edificio principal de la Mision de San Luis Obispo q. resulta sobrante despues de la separacion de casa cural, consistorial, de escuela y carcel, resultaron compradores, de la expresada parte de edificio los Señores Scott y Wilson, y Don Santiago Mackinley, por haber sido los ultimos y mejores postores en la oferta q. hicieron de quinientos diez pesos y haber satisfecho esta cantidad en moneda corriente al Gobierno Departamental.

En consecuencia y en uso de las facultades q. me confirió la Exma. Asamblea Departamental en su acuerdo relativo del 4 de Julio del presente año, y de conformidad con el reglamento de 28 de Octubre ultimo pasado, declaro por las presentes letras q. los mencionados Señores Scott y Wilson y Don Santiago Mackinlay son dueños legalmente y de mancomun de todas las piezas q. correspondan à la parte del edificio de la Mision de San Luis Obispo que les fué vendida, cuyo numero y dimenciones constaràn en la posesion judicial que por orden especial de esta fecha deberà darles el Alcalde primero de San Luis Obispo, y à mas, de todos los corrales cercados de piedra que fueron del servicio de la referida Mision y no pertenezcan a ningun particular.

Por tanto, mando, que teniendose el presente por titulo firme y valdero, se tome razon de él en el libro de asientos de adjudicaciones de terrenos baldios, y se entregue a los intersados para su resgardo y demas fines.

Dado en la ciudad de Los Angeles, à seis de Diciembre de mil ochocientos cuarenta y cinco, en papel comun por no haber del sellado.

PIO PICO.

JOSE MA. COVARRUBIAS, *S'rio.*

Queda razon de este titulo en el libro respectivo. Angeles, fecha ut supra.

COVARRUBIAS.

1363

Sor. Juez de Paez:

San Luis Obispo, Junio 22, de 1846.

De conformidad con lo pedido p'a el Lunes 23 del corriente se la dará al interesado la posesion juridica q solicita.

Yo el Juez de Paz de esta dimarcacion asi lo decreté y firmé.

PICO.

Juan Wilson, vecino del partido de Sta. Barbara, para sí y à nombre de los Señores Don Diego Scott y Don Santiago Mackinley, comparece y diciendo: Que
166 q. en virtud de haber comprado al Gobierno Departamental, la parte del edificio pral. de este punto, como lo manifesta el titulo q. acompaño, solicito V. á bien darme la posesion jurídica con arreglo al espresado titulo.

Por tanto A. V. Suplico acceda à mi favor en lo que recibiré gracia que juro, &c., dispensando el papel comum, por falta de sellado.

San Luis Obispo, Junio 22 de 1846.

JUAN WILSON.

En el pueblo de San Luis Obispo, à los veinte y dos dias del mes de Junio del año de mil y ochocientos cuarenta y seis, siendo presente Don Juan Wilson, se le hizo saber el auto ante nos, y dijo le oye, y es conforme y lo asenté por diligencia; de q. doy fé con dos testigos de asistencia pr. falta de Escribano.

J. DE JESUS PICO.

Asa.: JOSE GARCIA,
VICTOR LINARES.

En el pueblo de San Luis Obispo, a los veinte y tres dias del mes de Junio del año de mil y ochocientos cuarenta y seis. Yo el Juez de Paz acompañado de los de asistencia hice medir un cordel con objeto de proceder a las medidas de las fincas del edificio principal de este pueblo, y al efecto se midió un cordel de diez varas Castellanas y en sus extremos se atacaron dos estacas. Y pa. su constancia lo puse por diligencia que firmé con los de asistencia.

J. DE JESUS PICO.

Asa.: JOSE GARCIA.
VICTOR LINARES.

En seguida, en el mismo dia, mes y año, yo el Juez de Paz de San Luis Obispo, accompañado de los de asistencia, dispuse nombrar dos medidores Cordeleros de los concurrentes, y fueron nombrados Don Mercurial Garcia y Don Ygnacio Castillo, los cuales, aceptando el encargo, juraron por Dios, Ntro. Señor y la Santa Cruz, desem-
167 peñarlo fielmente segun su sabe. y entender, y lo asenté qr. diligencia q. firmé con los de asistencia.

J. DE JESUS PICO.

Asa.: JOSE GARCIA.
VICTOR LINARES.

A continuacion, en el mismo dia mes y año, yo el Juez de Paz de San Luis Obispo acompañado de los de asistencia y concurrentes ya citados, pasamos à la casa de habitacion del Ministro Parroco de este pueblo con objeto de empezar las medidas del edificio principal, y despues de haberle separado à dho. Parroco, pa. su habitacion y de

mas usos que le convengan, seis cuartos y dos salas utiles pa. su habitacion cuyos estan reunidos à un solo lugar sin embargo de la division de piezas, tomaron los medidores el cordel pr. sus extremos y estacas; desde la puerta principal pr. donde se transita pa. entrar à la plaza se comenzó la medida hasta llegar à la esquina qe. está por el rumbo S. O. en donde se contaron cincuenta y seis vara Castellanas, habiendo en todas estas pr. la misma nave diez piezas utiles de habitacion, de las cuales quedan separadas dos qe. se hallan en la esquina dondo termina esta primera medida, pa. casa consistorial y carcel: de allí se continuó la medida pr. toda la orilla de la pared hasta llegar a la esquina qe. està por el rumbo N. O. y se midieron noventa y dos varas Castellanas en cuyas se comprenden dos piezas qe. son un galeron util y uno inutil sin techo; en seguida se continuó la medida hasta otra esquina qe. se halla al rumbo N. E. y habiendo llegado a ella se contaron noventa varas Castellanas en las cuales se encuentran pr. la misma nave de afuera cuatro piezas utiles; de alli se continuó la medida hasta llegar al puerton qe. està unido à la pared de la Yglesia en donde se midieron veinte y tres varas Castellanas en las que se encuentran dos piezas inutiles. Concluidas de este modo las medidas pr. la parte de afuera, y entendido Don Juan Wilson de la separacion qe. hubo pa. consistorial y carcel, y señalados los limites à que por esta parte queda sujeto, bajo el angulo de dos cientas sesenta y una varas en cuyas quedan tambien comprendidas quince piezas utiles de habitacion y tres inutiles. Pasé con los concurrentes ya citados adentro de la Plaza de dho. edificio, y tomando los medidores el cordel
168 se empezó la medida con direccion al S. O. hasta llegar a esquina, cuya medida fue de 36 varas, en las qe. se comprenden tres piezas utiles; y luego se continuó la medida pr. toda la orilla de la pared acia al N. O. la qe. terminó pr. el mismo rumbo con una esquina en donde se contaron cincuenta y ocho varas Castellanas, y en ellas un galeron util y otro inutil. En seguida se midió con direccion al N. E. hasta llegar a la esquina qe. está pr. el mismo rumbo, y se contarón sesenta varas Castellanas, y cinco piezas utiles comprendidos en ellas. De alli se hizo la medida hasta el puerton al respaldo de la Yglesia de esta pueblo, y se midieron veinte y tres varas en cuyas se comprenden dos piezas inutiles, sin techo. Concluidas de este modo las medidas, y señalados los terminos y lineas q que estan sugetos entendido el Sor. Wilson qe. el cuadro de la Plaza con los arboles qe. en él se encuentran y à mas los tres corrales de piedra pertenecientes à estas fincas son de su propriedad, pa. perfeccionar el auto en voz clara le dije: En nombre de la nacion Mejicana doy a V. posesion de la parte de esta edificio y los corrales de piedra que V. tiene comprados y que ahora se le han medido; y mandandole qe. hiciese alguna demonstracion de haber adquirido el dominio util y directo, y con esto la propiedad de dhas. fincas, como dueño y Señor de ellas tiró piedras y cavó la tierra, con lo cual se concluyó el auto, y habiendo pedido el interesado se le devuelvan estas diligencias originales. Y pa. su constancia lo firmé con los de assistencia.

J. DE JESUS PICO.

Asa.: JOSE GARCIA.
VICTOR LINARES.

SAN LUIS OBISPO, *Junio* 25 *de* 1846.

Devuelvanse estas diligencias originales al interesado pa. testimonio de adquisicion de propiedad y el uso qe. le convenga y tomese razon en el libro respectivo de esta Jusgado.

PICO.

169 SAN LUIS OBISPO, *Junio* 25 *de* 1846.

Atendido el auto anterior, con esta f'ha es devolvió à Don Juan Wilson este expediente en 7 fojas utiles, y lo asenté pr. diligencia qe. rubriqué.

(Pico's rubric.)

Queda tomada razon en el libro respectivo de posesiones de este Jusgado à fojas, 13, 14, 15, y 16.

J. DE JESUS PICO.

[Translation.]

EXHIBIT XXVIII.—*San Luis Obispo.*

Pio Pico, senior member of the most excellent departmental assembly and provisional governor of the Californias:

{ Governor of the dept. [EAGLE.] of the Californias. }

Whereas the part of the main building of the mission of San Luis Obispo, which remains after setting apart the curate's house, the town-hall, school room, and jail, was exposed at public auction to the highest bidder in this capital, on the 4th inst., and whereas, the Señores Scott and Wilson and Don Santiago McKinley became the purchasers of the said part of the edifice, by virtue of having been the last and highest bidders in their offer of five hundred and ten dollars, and having paid, in full satisfaction, this sum in current money to the departmental government:

Now therefore, I, using the faculties conferred on me by the most excellent departmental assembly in its resolutions on the matter, dated July 4th of the present year, and in conformity with the regulations of October 28th ultimo, do declare, by these presents the said Señores Scott and Wilson and Don Santiago McKinley to
170 be the legal owners in partnership of all the rooms which belong to that part of the mission building of San Luis Obispo, which was sold to them; the number and size of which will be shown by the judicial possessions which, by a special order of this date, the first alcalde of San Luis Obispo ought to give them, with all the corrals fenced with stone which were the property of said missions and belong to no individual.

Therefore, I order that this title being held as firm and valid, note be taken of it in the book of entries of grants of vacant lands, and

it be delivered to the parties interested for their security and other purposes.

Given in the city of Los Angeles on the sixth day of December, one thousand eight hundred and forty-five, on common paper for want of stamped.

(Signed) PIO PICO.

(Signed) JOSE MARIA COVARRUBIAS, *Secretary.*

Note has been made of this title in the respective book. Angeles, dated as above.

COVARRUBIAS.

To the justice of the peace:

SAN LUIS OBISPO, June 22, 1846.

In conformity with this request, on Monday, the 23d inst., the judicial possession solicited will be given to the party interested.

I, the justice of the peace of this demarcation, thus decreed, ordered and signed.

(Signed) PICO.

Juan Wilson, resident of the district of Santa Barbara, for himself, and in the name of Don Diego Scott and Don Santiago McKinley, appears and represents: That, in virtue of having purchased from the departmental government the part of the principal building of this place, as shown by the title which I transmit herewith, I pray you will consent to give me the judicial possession in conformity with said title. Therefore, I request you to grant me this favor, in which I will receive grace, which I swear, etc. Excusing the use of common paper for want of stamped.

(Signed) JUAN WILSON.

SAN LUIS OBISPO, June 22d, 1846.

171 In the pueblo of San Luis Obispo, on the twenty-second day of the month of June, in the year one thousand eight hundred and forty-six, present Don Juan Wilson, and I notified him of the preceding order, and he acknowledged notice, and I noted it officially, and certify with the assisting witnesses for want of a notary.

(Signed) J. DE JESUS PICO.

Asst'g witnesses:

(Signed) JOSE GARCIA.

(Signed) VICTOR LINARES.

In the pueblo of San Luis Obispo, on the twenty-third day of the month of June, of the year one thousand eight hundred and forty-six, I, the justice of the peace, accompanied by assisting witnesses, caused to be measured a cord for the purpose of measuring the "fincas" (premises) of the main building of this pueblo, and a cord was measured ten Spanish varas long, and two stakes were tied to its extremities, and in testimony I noted it officially, which I signed, with those of assistance.

(Signed) J. DE JESUS PICO.

Asst'g witnesses:

(Signed) JOSE GARCIA.

(Signed) VICTOR LINARES.

In continuation on the same day, month, and year, I, the justice of the peace of San Luis Obispo, accompanied by assisting witnesses, decided to appoint from the bystanders two measuring rope-bearers, and appointed Don Mercurial Garcia and Ignacio Castillo, who, accepting the office, made oath by God, our Lord, and the holy cross, to discharge it faithfully to the best of their knowledge and belief, and I noted it officially, which I signed, with those of assistance.

(Signed) J. DE JESUS PICO.

Asst'g witnesses:
(Signed) JOSE GARCIA.
(Signed) VICTOR LINARES.

172 In continuation on the same day, month, and year, I, the justice of the peace of San Luis Obispo, accompanied by the assisting witnesses and other persons aforementioned, went to the dwelling-house of the parish minister of this pueblo, for the purpose of commencing the measurements of the main building, and after having set apart for said curate six good rooms and two halls, which are united in one place, notwithstanding the division of rooms, for his dwelling and other convenient purposes, the measurers took the cordel by its extremities and stakes, and measured; from the principal door through which they pass to enter the plaza, fifty-six Spanish varas to the southwest corner of the building, in which distance and in the same range were ten good rooms for dwelling, of which the two which are at the corner where the measurement terminated were set apart for town hall and jail; thence the measurement was continued along the wall to the northwest corner, ninety-two Spanish varas, in which are included one gallery, in good order, and another without roof; then the measurement was continued ninety Spanish varas to the northeast corner, in which distance in the same range outside are four good rooms; thence to the large gate next to the wall of the church, twenty-three Spanish varas, in which are two good rooms. The measurement on the outside being thus concluded, and Don Juan Wilson having been informed of the reservation which was made of town-hall and the jail and the limits designated, this part is included in a boundary of two hundred and sixty-one varas, in which are included fifteen good rooms for dwellings and three useless ones. I then passed into the plaza of said building, with the aforesaid persons, and the measurers taking the cordel, measured southwest to the corner thirty-six varas, in which are three useful rooms; and then, continuing to the northwest along the wall, the measurement ended in a corner distant fifty-eight Spanish varas, including one useful and one useless gallery; thence northeast to the corner, which is in that direction sixty Spanish varas, with five good rooms contained in it; thence directing the measurement to the large gate behind the church twenty-three varas, containing two rooms without roofs. The measures being thus ended and the bounds and lines to which they are sub-
173 ject designated, Señor Wilson being made to understand that

the square of the plaza with the trees which are in it, and also the three stone corrals belonging to these buildings are his property, to perfect the act, in a loud voice I said to him: In the name of the Mexican nation, I give you possession of the part of this building and the stone corrals which you have purchased, and which have just been measured; and directing him to make some demonstration of having acquired the useful and direct dominion and as such the ownership of said buildings, as owner and lord of them, he threw stones and dug earth with which the act was concluded, the interested party having asked that these original official acts be returned to him, and in testimony thereof I signed with assisting witnesses.

(Signed) JOSE DE JESUS PICO.

Asst'g witnesses:
(Signed) JOSE GARCIA.
(Signed) VICTOR LINARES.

SAN LUIS OBISPO, *June* 25, 1846.

Let these original official acts be delivered to the party interested for testimony of acquisition of ownership and the use he may find convenient, and let note thereof be taken in the corresponding book in this office.

(Signed) PICO.

SAN LUIS OBISPO, *June* 25, 1846.

In compliance with the preceding order on this date, this expediente was given to Don Juan Wilson in seven folios, and I noted it officially and signed in rubric.

(Rubric of Pico.)

Note has been taken in the proper book of possessions in this office on folios 13, 14, 15, and 16.

(Signed) JOSE DE JESUS PICO.

[Original.]

174 EXHIBIT XXIX.

Pio Pico, Gobernador Constitucional del Departamto. de Californias:

{ Gobierno del Dep. [EAGLE.] De Californias. }

Autorizado previamente por la Exma. Asamblea Departamental para la enagenacion de las misiones à fin de pagar sus deudas y evitar la total ruina de ellas, atendiendo à que el Señor Dn. Santiago Argüello ha hecho al Gobierno servicios de consideracion en todos tiempos, y así mismo, facultado auxilios siempre que se le han solicitado, para conservacion del proprio Goberino y seguridad del Departmento sin habersele indemnizado; habiendo este Señor pretendido, para su

beneficio personal y el de su numerosa familia, el comprar la Mision de San Diego con todos sus terrenos, fincas rusticas y urbanas que tuviere, pagando integra y religiosamente las deudas pasivas de dicha Mision que aparecieren justificadas, segun las relaciones que de ellas formó la comision de Misiones, obligandose à mas à proporcionar la subsistencia del Padre Ministro que allí existe y la conservacion del culto divino;—visto y considerado todo lo que ver y considerar convino, en uso de las facultades con qe. me hallo investido, he venido en hacer venta real y enagenacion perpetua para siempre jamas à Dn. Santiago Argüello segun y conforme ha convenido, con todas las pertenecias que hoy cuenta y reconoce anexas, consistan en terrenos, fincas, bienes raices ó semovientes; en cuyo testimonio y para su validacion y mejor cumplimiento se ponen las condiciones siguientes:

1a. Pagará á los acreedores de la Mision de San Diego las cantidades que aparecieren justificadas, pudiendo convenirse con ellos en el tiempo y modo de verificarlo.

2a. Desde ahora es de su cuenta particular todo lo necesario para la subsistencia del Padre Ministro que allí existe, como igualmente para la conservacion del culto divino.

3a. No se podrá alegar lesion enorme por esta venta de parte de ninguno, y el exceso en poco ó mucha suma queda a favor del
175 comprador por ser el valor justo que actualmente tiene dicha Mision y no haber quien diese mas por ella.

4a. Se exceptuan de la venta anterior el templo y todas sus pertenencias y habitaciones del Padre Ministro.

En consecuencia declaro por las presentes letras ser dueño legitimo de la referida Mision de San Diego el Señor arriba mencionado, en los terminos y bajo las condidiones expresadas, por cuya virtud podrá tomar posesion de ella desde ahora ó cuando le conviniere. Y para la dibida constancia en todos tiempos, doy este documento como formal escritura que serà reconocido y acatado por todas las autoridades civiles y militares de le Nacion Mejicana en este y en los demas departamentos, y aun por el Gobierno General de ella, autorizado debidamente con mi firma y la del Secretario de mi despacho, en este papel comun por falta de sellado, en la Ciudad de los Angeles, á ocho de Junio de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, *Srio. Ynto.*

[Translation.]

EXHIBIT XXIX.—*San Diego.*

Pio Pico, constitutional governor of the department of the Californias:

{ Governor Dept. [EAGLE.] of the Californias. }

Previously authorized by the most excellent departmental assembly to alienate the missions, in order to pay their debts and to avoid their

total ruin, knowing that Señor Don Santiago Arguello has rendered the government important services at all times, and has also given aid, when asked, for the preservation of the legitimate government and the security of the department without having received any indemnification; and whereas this señor has, for his own personal benefit and that of his numerous family, asked to purchase the mission of San Diego, with all its lands and property belonging to it both in
176 town and country, he paying fully and religiously the passive debts of said mission which appear established according to the report of the committee on missions; binding himself, besides, to provide for the support of the priest located there, and of divine worship.

Having seen and considered all that is to be seen and considered, and using the faculties conferred upon me, I have made real sale and perpetual alienation of it forever to Don Santiago Arguello, according to and in conformance with what has been agreed upon, with all the appurtenances found and known at the time as belonging to it, whether consisting in lands, buildings, improved real estate, or cattle.

In testimony of which, and for its validity and better fulfilment, the following conditions are added:

1st. He shall pay the creditors of the mission of San Diego the sum which may appear justly due them, he being authorized to enter into an agreement with them as to the time and mode of settling them.

2d. From now henceforth he shall bear upon his own account the necessary expenses for the subsistence of the priest located there, and also for the preservation of divine worship.

3d. No one shall claim unreasonable damages on account of this sale; and the excess, whether great or small, is granted to the purchaser, for he takes it at the true value which the said mission now possesses, and there is no one who will give more for it.

4th. The church and its appurtenances and the dwelling of the priest are excepted from the foregoing sale.

In consequence, I declare by these presents the aforesaid señor to be the legitimate owner of said mission of San Diego, on the erms and under the conditions above expressed, by virtue of which he may take possession of it from this time, or whenever he may see fit.

And, as a proper testimony in all future time, I give this document as a formal deed, which shall be acknowledged and respected by all civil and military authorities of the Mexican nation in this and other departments, and even by the general government of
178 Mexico. Properly authorized under my hand, and that of my secretary of state, on this common paper, there being none stamped, in the city of Los Angeles, the 8th day of June, one thousand eight hundred and forty-six.

(Signed) PIO PICO.

(Signed) JOSE MATIAS MORENO,
Sec'ry ad interim.

[Original]

EXHIBIT XXX.—*San Luis Rey.*

Pio Pico, gobernador constitucional del departamto. de Californias:

{ Gobierno del depto. [EAGLE.] de California. }

Por cuanto Don Antonio José y Don José Antonio Pico se presentaron á este Gobierno, solicitando se les dé en legitima, posesion la Mision de San Luis Rey y el Rancho de Palas con los terrenos que les pertenecen, en pago de dos mil pesos en plata, y cuatro cientos treinta y siete pesos cuatro reales en semillas, con qe. han auxiliado al mismo Gobierno en sus urgencias, obligandose ambos à satisfacer en toda clase de esquilmos las deudas de la expresada Mision de San Luis Rey en el termino de cuatro años; teniendo en consideracion los perjuicios que los interesados han tenido por el retardo de la satisfaccion de aquello deuda, y que las fincas, que estan en un abandono total, no pagarian à los demas acreedores, he venido en concederles a los expresados Sres. Dn. Anto. José Cot y Dn. José Antonio Pico, en virtud de las facultades con que me hallo investido, quedando responsables à satisfacer las deudas de la referida Mision de San Luis Rey en el tiempo que ofrecen.

Y para qe. el presente documento tenga la validacion correspondiente, anotese y tomese razon en el libro respectivo por el Señor Secretario del despacho pa. resguardo de los interesados; extendiendoseles en papel comun por falta del sellado correspondiente.

178 Dado en la casa de Gobierno en la Ciudad de los Angeles, à los diez y ocho dias del mes de Mayo, de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, *Srio. Ynto.*

Queda tomada razon de este superior despacho en el libro respectivo.

MORENO.

[Translation.]

EXHIBIT XXX.—*San Luis Rey.*

Pio Pico, constitutional governor of the department of the Calfornias:

{ Governor of the dept. [EAGLE.] of the Californias. }

Whereas Don Antonio José Cot and Don José Antonio Pico have presented themselves to this government, petitioning that it shall give them a legitimate possession of the mission of San Luis Rey

and the rancho of Palas, with the lands which pertain to them, in payment of two thousand dollars in money and four hundred and thirty-seven dollars and four reales in grain, with which they have assisted the government in its exigencies, they both obligating themselves to satisfy, in every description of produce, the debts of the said mission of San Luis Rey in the term of four years; bearing in consideration the damages which the interested parties have sustained in the delay of the satisfaction of the said debt, and that the edifices, which are in a total abandonment, will not pay the other creditors, I have resolved to concede them to the Señores Don Antonio José Cot and Don José Antonio Pico, in virtue of the faculties with which I find myself invested; they remaining responsible to satisfy the debts of said mission of San Luis Rey, in the time which they offer. And in order that the present document
179 shall have such corresponding validity, let it be entered and taken account of in the respective book by the senor secretary of state, for the security of the interested, being drawn on common paper, for lack of the proper sealed.

Given in the government house in the city of Los Angeles, this 18th day of May, 1846.

PIO PICO.

JOSE MATIAS MORENO, *Secretary ad interim.*

Note of this superior despatch has been made in the respective book.

MORENO.

[Original.]

EXHIBIT XXXI.—*San Gabriel.*

Pio Pico, Gobernador Constitucional, del Departamento de Californias:

Gobierno del Depto.
[EAGLE.]
De Californias.

Autorizado previamente por la Exma. Asamblea Departamental para la enagenacion de las Misiones, asi para pagar sus deudas y evitar la total ruina de ellas, como para proporcionar recursos que sirvan à la defensa comun en el caso de una invasion estrangera que segun datos fe hacientes se halla muy proxima de suceder, en cuya circunstancia el Gobierno del Departamento està facultado ampliamente por el Supremo de la Nacion; atendiendo á que los Señores Don Perfecto Hugo Reid y Don Julian Workman han hecho al Gobierno servicios de consideracion, y tambien facilitado buenos auxilios para su mejor conservacion y seguridad del Departamento, bajo la garantía de justa indemnizacion cuando la hacienda general estuviese desahogada; habiendo estos Señores solicitado, para su beneficio personal y el de sus familias, la Mision de San Gabriel, con todos sus terrenos, fincas rusticas y urbanas, en pago de las cantidades que en diferentes èpocas han facilitado al Gobierno Departamental,
180 obligandose à mas à satisfacer integra y religiosamente las

deudas pasivas de dicha Mision que aparecieren justificadas segun la relacion qe. de ellas formó la comision de Misiones; como tambien à señalar una parte ó cantidad proporcionada para subsistencia del Padre Ministro que allí exista y conservacion del culto divino; visto y considerado lo que ver y considerar convino, en uso de las facultades con que me hallo investido, he venido en hacer venta real y engenacion perpetua para siempre jamas, à los Señores Perfecto Hugo Reid y Julian Workman, de la Mision de San Gabriel segun y conforme ellos han convenido, con todas las pertenencias que hoy cuenta y reconoce anexas, consistan en terrenos, fincas, bienes raices ó semovientes, en cuyo testimonio para su validacion y mejor cumplimiento se ponen las condiciones siguientes:

1a. Pagaràn à los acreedores de la Mision de San Gabriel las cantidades que aparecieren justificadas, à lo mas en el termino de dos años, pudiendo convenirse con ellos à la espera, abonandose à sí mismos las cantidades que hubieren desembolsado y estan reconocidas por legales.

2a. La venta se hace permanente de los edificios principales y particulares, de otras fincas, huertas, viñas y demas bienes raices y semovientes, y de los terrenos totalmente baldios que tuviere y no reconocieren propiedad particular ninguna.

3a. Desde ahora para siempre facilitaràn de su cuenta lo necesario para la subsistencia del Padre Ministro que en todo tiempo existiere allí, como igualmente para la conservacion del culto divino.

4a. No se podrà alegar lesion enorme por esta venta de parte de ninguno, y el exceso en poca ò mucha suma queda à favor de los compradores por ser el justo valor que tiene actualmente dicha Mision y no haber quien diese mas por ella.

En consequencia declaro por las presentes letras ser dueños legitimos de la expresada Mision de San Gabriel, de mancomun, los Señores arriba mencionados en los terminos y bajo las condiciones expresadas, por cuya virtud podrán tomar posesion de ella desde ahora. Y para la debida constancia en todos tiempos, doy este documento, como formal escritura, que serà reconocido y acatado por todas las 181 autoridades civiles y militares de la Nacion Mejicana en este y en los demas Departamentos y aun por el Gobierno General de ella, autorizado debidamente con mi firma y la del Secretario de mi despacho, en este papel comun por absoluta falta del sellado, à ocho de Junio, de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, *S'rio Ynt'o.*

Queda tomada razon de este Superior Despacho en el libro respectivo.

MORENO.

[Translation.]

EXHIBIT XXXI.—*Title to San Gabriel mission.*

Pio Pico, constitutional governor of the department of the Californias:

{ Governor of Dep. [EAGLE] of the Californias. }

Having been heretofore authorized by the most excellent departmental assembly to alienate the missions, as well for paying their debts and avoiding the total ruin of the same, as for obtaining funds to provide for the common defense in case of a foreign invasion, which according to credible information is very close at hand, in which case the government of the department has received ample powers from the supreme one of the nation: Considering that the Señores Don Perfecto Hugo Reid and Don Julian Workman have rendered considerable services to the government and also lent good assistance for the better preservation and security of the department under guarantee of just recompense whenever the general treasury should be relieved; and whereas those señors have solicited for their personal benefit, and that of their families, the mission of San Gabriel, with all its lands, improvements of town and country, in payment of the sums which at different periods they have advanced to the
182 departmental government, binding themselves to satisfy fully and religiously the debts outstanding against said mission which may be proved according to the report of the same made by the committee on missions, as also to assign a proportional part or sum for the maintenance of the ministering fathers who may live there, and for the preservation of divine worship; having seen and considered all it behooves to see and consider,

In the exercise of the power wherewith I find myself invested, I have to come to make a real sale and perpetual alienation forevermore to the Señores Perfecto Hugo Reid and Julian Workman of the mission of San Gabriel, according and conformably as they have agreed, together with all the appurtenances which at this day are reckoned and considered as appertaining to the same, whether they consist in lands, real estate or cattle.

In testimony whereof, and for the validity and better accomplishment hereof, the following conditions are imposed:

1st. They will pay to the creditors of the mission of San Gabriel the sums which may appear and be proved, at the furthest, in the term of two years, with power to agree with them for delay.

They will also credit themselves with the sums they may have disbursed and acknowledged as lawful.

2d. The sale is hereby made of the principal and private edifices, of other improvements, gardens, vineyards, and other real estate and cattle, of the lands wholly unoccupied there may be, and which do not belong to the property of any individual whatever.

3d. Henceforward they will advance, on their own account, the necessaries for the subsistence of the father ministers who at any time may live there, as also for the preservation of divine worship.

4th. Neither party to this sale shall have power to allege excessive damages, and the balance, whether the same amount to a smaller or larger sum, remains in favor of the purchasers, they having paid the just value which said mission actually possesses, and there being no one who would give any more for it.

183 In consequence, I declare by these present letters, that the persons above named are legitimate owners of the said mission of San Gabriel, jointly, on the terms and under the conditions above stated.

By virtue whereof, they may take possession of the same from this moment, and for due testimony at all times I give this instrument as a deed in due form, which is to be acknowledged and respected by all the civil and military authorities of the Mexican nation in this and the other departments, and even by the general government of the same, being duly certified with my signature and that of my secretary of state, on this common paper, there being absolutely none stamped, on the eighth day of June, one thousand eight hundred and forty-six.

PIO PICO.

JOSE MATIAS MORENO, *Sec'y pro tem.*

Note has been made of this superior despatch in the respective book. MORENO.

[Original.]

EXHIBIT XXXII.—*San Fernando.*

Gobierno del Depto.
[EAGLE.]
De Californias.

El infrascrito Gobernador Constitucional del Departamento de Californias en virtud de las facultades de que se halla investido por el Gobierno Supremo de la Nacion, y por decreto de la Honorable Asamblea Departamental de trece de Abril del presente año, para proporcionar recursos à fin de sostener la intregridad del territorio de este Departamento, enagena en la persona de Dn. Eulogio de Celis, y sus herederos, la ex-Mision de Sn. Fernando en la cantidad de

184 catorce mil pesos que recibe, con todas sus propiedades, fincas, terrenos, è inventario, menos la Yglesia que queda para uso pūblico con todas sus pertenencias, y á proporcionar lo necesario al culto divino.

Constituyendose el referido comprador mantener los actuales indios viejos en sus terrenos por el tiempo de sus dias, pudiendo hacer sus siembras con solo la condicion de no poder enagenar los terrenos que cultiven, y cualquiera otros que posean sin titulo anterior del Gobierno Departamental; por tanto se reconocerà al citado Se or Celis como legitimo propietario de la mencionada ex-Mision de San Fernando, para que haga el uso que mejor le convenga, garantizandole

como le garantiza este Gobierno la precitada finca por bien habida, con todas las prerogativas que las leyes señalan à favor de los compradores, con solo la condicion de que no tomarà posesion el referido comprador en el termino de ocho meses contados desde la fecha en cuyo termino le queda la accion al Gobierno de hacer nulo el presente contrato, reintegrando al expresado Señor Celis la cantidad de catorce mil pesos que desembolsa con el correspondiente premio, a estilo de comercio; pero si este reintegro no tuviere efecto en los citados ocho meses, tengan por valida al presente venta.

El antereferido comprador se compromete en asegurarle al Padre Ministro de aquel establecimiento, la manutencion y vestuario con la posible decencia, y asi mismo las piezas de habitacion que tiene asignadas ó las que justamente necesite.

Y para la debida constancia y seguridad del intersado, se estiende la presente escritura, que serà reconocida y acatada por todas las autoridades del Departamento para su mejor cumplimiento.

Y en preuba de lo cual, se autoriza y firma por el infrascrito y Secretario del despacho, en la Ciudad de Los Angeles, en este papel comun por falta del sellado, à diez y siete de Junio de mil ochocientos curaenta y seis. PIO PICO.

JOSE MATIAS MORENO, *Srio. Ynto.*

Queda tomada razon de este Superior despacho en el libro respectivo. MORENO.

185 [Translation.]

EXHIBIT XXXII.—*San Fernando.*

{ Governor of Dep. [EAGLE.] of the Californias. }

The undersigned, constitutional governor of the department of the Californias, in virtue of the powers vested in him by the supreme government of the nation, and in virtue of a decree of the honorable departmental assembly, of April thirteenth of the present year, to raise means for the purpose of maintaining the integrity of the territory of this department for the sum of fourteen thousand dollars, which he receives, sells unto Don Eulogio de Celis, and his heirs, the ex-mission of San Fernando, with all its properties, estates, and lands, and inventory, with the exception of the church and all its appurtenances which remains for public use, and he to provide what is necessary for divine worship.

Said purchaser obligating himself to maintain on their lands the old Indians on the premises during their lifetime, with the right to make their crops, with the only condition that they shall not have the right to sell the lands they cultivate, and any other which they possess, without anterior title from the departmental government; therefore the aforesaid Señor Celis shall be acknowledged as the legitimate owner of the aforesaid ex-mission of San Fernando, to use the same as to him shall seem best, guaranteeing unto him as this

government does guarantee, that he is well possessed of the aforesaid estate, with all the prerogatives granted by law to purchasers, with the only condition that the abovementioned purchasers shall not take possession within the space of eight months from the date hereof, within which period the government shall have the right to annul this contract by reimbursing to the aforesaid Señor Celis the sum of fourteen thousand dollars, with interest at the current commercial rates; but if this reimbursement is not made within the aforesaid eight months this sale shall be valid.

The above mentioned purchaser binds himself to warrant
186 to the father minister of the aforesaid establishment his subsistence and clothing with all possible decency, together with the rooms assigned to him or those which he justly requires.

And for the establishment of this fact, and the security of the purchaser the present document is issued, and shall be acknowledged and respected by all the authorities of the department for its accomplishment.

And in testimony hereof the undersigned and secretary of the department grant this authority and affix their signatures, in the city of Los Angeles, on this ordinary paper for want of stamped paper, the seventeenth of June, one thousand eight hundred and forty-six.

PIO PICO.

JOSE MATIAS MORENO, *Sec'y pro tem.*

[Original.]

EXHIBIT XXXIII.—*San Buenaventura.*

{ Gobierno del Depto. [EAGLE.] de Californias. }

Pio Pico, Gobernador Constitucional del Departamento de Californias:

Autorizado previamente por la Exma. Asamblea Departamental para la enagenacion de las Misiones, asi para pagar las deudas, y evitar la total ruina de ellas, como para proporcionar recursos que sirvan à la defensa comun en el caso de una invasion estrangera que segun datos fe hacientes se halla muy proxima de suceder; en atencion que el Señor Don José Arnaz ha hecho al Gobierno servicios de consideracion, y tambien facilitado buenos auxilios para la mayor conservacion y seguridad del Departamento, bajo la garantía de justa indemnizacion cuando la hacienda general estuviere desahogado, y no teniendo modo ó forma de cubrir la cantidad que justamente le adeuda este Gobierno, le da en pago de la que en diferentes épocas ha facilitado al Gobierno, y la que ha recibido presente, en
187 total de doce mil pesos; y considerando todo lo que hay que ver y meditar convino; en uso de las facultades con que me hallo investido por el supremo Gobierno, y decreto de 13 de Abril ultimo de la Exma. Asamblea Departamental, he venido en hacer venta real y efectiva enagenacion perpetua para siempre jamas, al expresado Don José Arnaz, de la Mision de San Buenaventura segun

y conforme ha convenido, con todas las pertenencias que hoy cuenta y reconoce annexas, consistan en terrenos, fincas bienes raices y semovientes; en cuyo testimonio y para su validacion, se ponen las condiciones siguientes:

1a. Pagará a los acreedores de la Mision de San Buenaventura las cuentas que aparecieren justificadas, a lo mas, en el termino de un año.

2a. Desde ahora para siempre facilitará de su cuenta lo necesario para la subsistencia y véstuario del Padre Ministro, y en todo tiempo subsistirá allí, como igualmente para la conservacion, del culto divino, dejando á beneficio de dicho padre las piezas que tiene ocupadas para su habitacion.

3a. No se podrà alegar lesion enorme por esta venta de parte de ninguno, y el exceso, en poca ó mucha suma; queda à favor del comprador por ser el justo valor que tiene actualmente dicha Mision, y no haber quien diere mas por ella.

4a. Se exceptuara de la venta anterior el templo y todas sus demas pertenencias que le corresponden.

5a. Los terrenos de que se hace mencion y que se reconocen por de la mision se comprenden de la Laguna Huenemo, el palo alto, los de siembras de Santa Paula, la cañada de la mision, y todos los que no esten concedidos por justo titulo del Gobierno, y que reconozcan la propiedad del establecimiento, de los que se hace venta, con todos los bienes raices y semovientes, utiles, y demas que sea de su propiedad.

En consecuencia declaro, por las presentes letras, ser dueño legitimo de la expresada Mision de San Buenaventura el Señor arriba mencionado en los terminos y bajo las condiciones expresadas, por cuya virtud podrà tomar posesion de ella desde ahora. Y para la debida constancia en todos tiempos, doy este documento, como formal escritura, que serà reconocido y acatado por todas las autoridades civiles y militares de la nacion Mejicana en este y en los demas
188 Departamentos, y aun per el Gobierno general de ella, autorizado debidamente con mi firma y la del Secretario de mi despacho, en esta papel comun por absoluta falta de sellado, à ocho de Junio de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, *Srio. Ynto.*

Queda tomada razon de este Superior despacho en el libro respectivo.

MORENO.

[Translation.]

EXHIBIT XXXIII.—*Title to mission of San Buenaventura.*

{ Governor of Dep. [EAGLE.] of the Californias. }

Pio Pico, constitutional governor of the department of the Californias:

Previously authorized by the most excellent departmental assembly for the alienation of the missions, as well for the payment of their

debts and to avoid their total ruin, as to procure the means that might serve for the common defense in the case of a foreign invasion, which according to reliable information is near happening, in consideration of Don José Arnas having rendered to the government considerable services, and also having furnished good means for the best preservation and security of the department under the guaranty of a just indemnity when the general treasury shall be disembarrassed, and not having the resources to reimburse the amount which is so justly due him by this government, it gives him in payment for the amounts which he has furnished at different times to the aforesaid government, and which it has received, and which makes the sum twelve thousand dollars, and considering the existing circumstances, using the faculties with which I am invested by the supreme government, and decree of the departmental assembly of the 13th of April last, I have
189 sold to the aforesaid José Arnas in fee the mission of San Buenaventura as agreed upon, with all its appurtenances, consisting in lands, estates, properties, cattle, and movables; and in testimony whereof, and for the validity of the contract, the following conditions are established:

1st. He shall pay the creditors of the mission of San Buenaventura, within the space of at least one year, the amounts which shall be certified.

2d. From this day he shall furnish, on his own account, the means for sustenance and clothing of the father minister, who shall at all times reside there, and for the conservation of divine service, leaving for the benefit of said father the rooms which he occupies.

3d. Enormous lesion in this sale shall not be set up by either party; and the amount, either small or considerable, shall be interpreted in favor of the purchaser as being the actual just price of said mission, there being no one that would give more for it.

4th. The church building and all other appurtenances thereunto belonging, shall be excepted from the above sale.

5th. The lands which are here mentioned, and which are known as belonging to the mission, include the Laguna Huenemo, el Palo Alto, the grain fields of Santa Paula, la Cañada de la Mision, and all those which have not been granted with a good title from the government, which are recognised as the lands of the establishment which is hereby sold with all its property, cattle, utensils, and other movables which appertain to the same.

In consequence whereof the aforesaid Señor Arnas is declared by these presents to be the legitimate owner of the aforesaid mission of San Buenaventura under the foregoing terms and conditions.

In consequence whereof he may take immediate possession of the aforesaid mission. In proof whereof, I execute this document in due form, which shall be acknowledged and respected by all the civil and military authorities of the Mexican nation in this and other departments, and even by the general government.

Duly authorized under my hand and that of the secretary of state, on this ordinary paper for want of stamped paper, this 8th day of June, 1846. PIO PICO.

JOSE MATIAS MORENO, *Secretary pro tem.*

Note of this superior despatch has been made in the respective book.

MORENO.

[Original.]

EXHIBIT XXXIV.—*Santa Barbara.*

Pio Pico, Gobernador Constitucional del Departamento de Californias:

{ Gobierno del Depto. [EAGLE.] De Californias. }

Facultado ampliamente por el Supremo Gobierno Nacional para proveer à la defensa comun del Departamento en el caso de una invasion que con fundamento se teme, y siendo necessario para ello hacerse de algunos recursos, habiendose presentado à este Gobierno Don Ricardo S. Den manifestando q. compraba la Mision de Santa Barbara con toda clase de pertenencias que le corresponden ofreciendo la cantidad de siete mil y quinientos pesos, y obligandose à dar la subsistencia al Padre Ministro; obrando en consecuencia con el decreto de la Honorable Asamblea relativo à Misiones de 13 de Abril ultimo, visto y considerado todo cuanto debia tenerse presente; he venido hacer venta formal y efectiva de la Mision de Santa Barbara con todas sus bienes raices y semovientes y terrenos que no reconozcan propiedad particular que le correspondieren, à Don Ricardo S. Den, mediante la cantidad de siete mil y quinientos pesos que ha entregado al Gobierno Departamental, exceptuandose de la venta la Yglesia
191 y sus pertenencias asi como las piezas de habitacion del Reverendo Padre que allí existe, y bajo las condiciones siguientes:

1a. Respetarà las propiedades de los Indios que tuvieren establecidas, y no los molestarà ni privarà de ellas en virtud de esta venta.

2a. Señalarà, á los indios que quisieren, terrenos para que hagan siembras à su beneficio, dando les derecho sobre ellas, y no impedirà que introduzcan bienes de Campo en los lugares que presten comodidad, bajo la condicion de que no les enagenaran à ninguna persona y en el caso de abandono quedan al beneficiodel comprador.

3a. Proporcionarà lo necesario para la subsistencia del Padro Ministro y conservacion del culto divino.

4a. Tan luego como sean cumplidos los nueve años en que està arrendada la Mision, tomarà la posesion de ella, no pudiendo entre tanto disponer de ninguna de sus propiedades sino es con el consentimiento de los arrendatarios.

En consecuencia declaro, por las presentes letras, ser due o legitimo de la expresada Mision de Santa Barbara Don Ricardo S. Den, en los terminos y bajo las condiciones expresadas, con lo cual es conforme.

Y para la debida constancia en todos tiempos, doy este documento como en formal escritura, q. sera reconocido y acatado por todas las autoridades civiles y militares de la Nacion Mejicana, en este y en los demas departamentos, y ann por el Gobierno General de ella, autori-

zado debidamente con mi firma y la del Secretario de mi despacho, en este papel comun por absoluta falta del sellado, en los Angeles á diez de Junio de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, *S'rio Ynto.*

Queda tomada razon de este Superior Titulo de venta, en el libro a que corresponde, fha. ut supra.

MORENO.

192 [Translation.]

EXHIBIT XXXIV.—*Santa Barbara.*

Pio Pico, constitutional governor of the department of the Californias:

{ Governor of the Dept. [EAGLE.] of the Californias. }

Fully empowered by the supreme government of the nation to provide for the general defense of this department in case of an invasion, which there is every reason to fear, and it being necessary to raise some supplies for that purpose:

This government having received the offer of Mr. Richard S. Den, for the purchase of the mission of Santa Barbara with all things appertaining thereto, for the sum of seven thousand five hundred dollars, besides binding himself to provide maintenance for the missionary priest. Acting in conformity with the decree of the honorable departmental assembly of the 13th April last, after having examined and considered everything requisite in this matter, I have resolved to make a genuine and effective sale of the mission of Santa Barbara, with all its property, tenements, stock, and lands, (that do not belong to private individuals,) to Richard S. Den, by virtue of the payment of the sum of seven thousand five hundred dollars, which he has delivered to this departmental government; excepting from the sale the church and its appurtenances, and also the rooms occupied by the reverend priest who lives there, and on the following conditions:

1st. He shall respect the property of the Indians who may be established there, he shall neither molest, or dispossess them in virtue of this sale.

2d. He shall mark out the lands which the Indians wish to cultivate for their own benefit, giving them dominion over the same. He shall not prevent their placing stock on those places which are convenient, on condition that they shall not confer these privileges to any other person, and in case of abandonment they shall remain for the benefit of the purchaser.

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3d. He shall provide the necessary subsistence for the reverend minister, and for the preservation of divine worship.

4th. So soon as the nine years are completed for which the mission is rented he shall take possession of the same, in the interim he cannot dispose of any part of the property without the consent of the lessees.

I therefore declare, by these presents, that Richard S. Den is the legitimate owner of the aforesaid mission of Santa Barbara on the terms and conditions expressed herein, with which he is satisfied, and for perfect evidence at all times, I give this document, as a genuine title deed which will be acknowledged and respected by all the civil and military authorities of the Mexican nation in this and every other department, and likewise by the general government, being duly legalized by my signature, and that of my secretary of state, on this common paper for the absolute want of stamped paper, in Los Angeles, on the 10th day of June, 1846.

PIO PICO.

JOSE MATIAS MORENO, *Secretary ad interim.*

Note of this superior title of sale has been made in the respective book, date as above. MOENO.

[Original.]

EXHIBIT XXXV.—*Santa Ynez.*

Pio Pico, Gobernador Constitucional, del Departmento de Californias:

{ Gobierno del Depto. [EAGLE.] De Californias. }

Por cuanto los Señores Don José Maria Covarrubias y Don Joaquin Carrillo se presentaron à este Gobierno, solicitando se les dé en legitima posesion la Mision de Santa Ynez con los pocos terrenos que le quedan y debidamente le corresponden lo mismo que las demas existencias que tenga, en pago de siete mil pesos con que han auxiliado à este Gobierno para sus urgencias, à mas de quedar obligados à proporcionar de su cuenta particular lo necesario para la subsistencia decente del Reverendo Padre Ministro que allí hubiera y sosten para la conservacion del culto divino; teniendo en consideracion los servicios de estos Señores, particularmente el primero que siempre se ha prestado gustoso à ayudar al Gobierno, y que asi mismo se les seguirán perjuicios por las cantidades que han facilitado, y atendiendo al estado ruinoso de dicho establecimiento; he venido en conceder a los expresados Señores Covarrubias y Carrillo la mencionada Mision de Santa Ynez, con todas sus pertenencias, exceptuando las casas que sirven de habitacion al R'do Padre, la Yglesia y demas cosas que le son afectas y reconoce proprias, como en justo pago de siete mil pesos, siendo este al presente su estimacion y no haber quien diese mas por ellas; usando pues de las facultades con que me hallo autorizado por el Supremo Gobierno Nacional, y por decreto de la Honorable Asamblea Departmental de 13 de Abril último, declaro por las presentes letras, à los Señores ante dichos, dueños

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en propiedad de la repetida Mision, en los terminos que quedan estipulados, por cuya virtud podrà desde luego tomar posesion de ella.

En consecuencia, mando, que teniendose el presente titulo por una formal y valedera escritura de venta, se entregue à los interesados para su resguardo y demas fines debiendo ser reconocido y acatado por todas las autoridades civiles y militares de este Departamento, y demas de la Nacion; por lo cual, se tomarà de él la correspondiente razon.

Dado en la Ciudad de Los Angeles, en este papel comun por absoluta falta del sellado, á los quince dias del mes de Junio de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, *S'rio Ynt'o*

Queda tomada razon de este Superior Despacho en el libro respectivo.
MORENO.

[Translation.]

195 EXHIBIT XXXV.—*Santa Ynez.*

Pio Pico, constitutional governor of the department of the Californias:

{ Governor of Dep. [EAGLE.] of the Californias. }

Whereas Don José Maria Covarrubias and Don Joaquin Carrillo have presented themselves to this government, requesting that there be given to them in legal possession the mission of Santa Ynez, with the few lands which remain to it and duly correspond to it, as also the other property which it may at present have, in payment of seven thousand dollars, with which they have assisted this government for its pressing demands, besides remaining bound to furnish on their own private account what may be necessary for the decent subsistence of the rev. father minister who may be there, and support for the continuance of the divine worship; having, in consideration of the services of these gentlemen, particularly of the first, who has always taken pleasure in assisting this government, and that they will suffer losses on account the amounts which they have furnished, and in consideration of the ruinous conditions of said establishment, I have granted to the said Señores Covarrubias and Carrillo the aforesaid mission of Santa Ynez, with all its appurtenances, excepting only the houses which serve as the dwelling of the rev. father, the the church, and other things belonging to him and recognised as private, as in just payment of seven thousand dollars, this being its present value, and there being no person who would give more for it; using, then, the powers with which I am authorized by the supreme national government and the decree of the honorable departmental assembly of the 13th of April last, I do by these presents declare the aforesaid señores owners in fee of the said mission in the terms which have been stipulated, in virtue of which they can take immediate possession of it.

196 In consequence, I order that the present title being held as a formal title and valid deed of sale, it be delivered to the persons interested for their security and other purposes, being recognised and respected by all the authorities, civil and military, of this department and others of the nation; wherefore, the corresponding note will be made of it.

Given in the city of Los Angeles, on this common paper for absolute want of stamped, on the fifteenth day of the month of June, one thousand eight hundred and forty-six.

(Signed) PIO PICO.

(Signed) JOSE MATIAS MORENO, *Secretary ad interim.*

Note has been made of this superior patent in the proper book.

(Signed) MORENO.

[Original.]

EXHIBIT XXXVI.—*San Juan Bautista.*

Pio Pico, Gobernador Constitucional del Departamento de las Californias:

{ Gobierno del Depto. [EAGLE.] De Californias. }

Por cuanto á que D. Oliviè Deleisegues ha justificado suficientemente debersele por la hacienda publica diversas cantidades q. en numerario y esquilmos ha facilitado à la guarnicion del Puerto de Monterey, á pedimento del Sor. Comte. Gral. del Departamento, y habiendo solicitado en pago de ellas la huerta del establecimiento de San Juan Bautista, con lo cual se conforma, no obstante de que el importe de su avalúo es menos que la cantidad q. se le adeuda; he venido en concederle la expresada huerta, en uso de la facultad q. me confirió la Exma. Asamblea Departamental en su acuerdo de cuatro de Julio del año proximo pasado, y de conformidad con el Reg-

197 lamto. de 28 de Octubre del mismo año.

En consecuencia, declaro por las presentes letras, q. el mencionado D. Oliviè Deleisegues es dueño legalmente de la referida huerta de S. Juan Bautista, en pago de lo que se le adeuda; en cuya virtud tomará la posesion judicial de ella mediante este despacho.

Por tanto, mando, q. teniendose el presente por titulo firme y valedero, se tome razon de èl en el libro respectivo, y se entregue al interesado para su resguardo y demas fines.

Dado en papel comun por falta de sellado, en la Ciudad de los Angeles, á cuatro de Mayo de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, *Srio. Ynto.*

Queda tomada razon de este Superior Despacho en el libro respectivo.

MORENO.

SOR. ALCALDE 1°. :

Maria Concepcion Boronda, viuda de Don Oliviè Deleisegues y como albacea y tutora de mis menores hijos, en uso de mis derechos, ante V. como mejor proceda paresco y digo, que la justificacion è integridad de V. se ha de servir mandar ampararme de la posesion que no se le dio à mi difunto esposo, de la huerta de arboles frutales, que se halla en este pueblo al norte de la plaza principal, segun el derecho que me asiste à mi y mis pupilos en el documento que en dos fojas útiles le acompaño, y mediante tambien á ser yo la unica persona que derecho debe tener à dicha Huerta. Por tanto:

A V. suplico manda decretar de conformidad, por ser de justicia que impetro.

San Juan Bautisa, Abril 23 de 1850.

MARIA CONCEPCION BORONDA.

198 SAN JUAN BAUTISTA,
Abril 23, *de* 1850.

Por presentando y admitido, pase esta solicitud al Sor. Juez de contado, para que con vista de ella y el titulo q. le acompaña decrete si este Jusgado tiene facultades para conocer del presente negocio, y si es legal el titulo que menciona dicha solicitud, para en su vista seguir la secuela del negocio; agreguese aquel à esta por principio; asi yo el Co. Angel Lebrija Alcalde 1o. de esta Municipalidad, asi lo decretè, mandè, y firmè, con los de mi asistencia.

Doy fe, ANGEL LEBRIJA.

Asa. :

JESUS FIGUEROA.

SATURNINO CARREAGA.

Se agrego el titulo y se hizo saber à Doña Concepcion Boronda auto anterior, y enterada dijo que pide se le entregue originales las presentes pare ocurrir à Monterey como està mandado, y firmo.

C. BORONDA.

LEBRIJA.

En la fecha, y en tres fojas utiles se entregan las presentes á la parte.

Lo anoto. (Lebrija's Rubric.)

[Translation.]

EXHIBIT XXXVI.—*San Juan Bautista.*

Pio Pico, constitutional governor of the department of the Californias:

{ Governor of Dept. [EAGLE.] of the Californias. }

Whereas Don Oliviè Deleisegues has satisfactorily shown that the public treasury is in debt to him for sundry amounts of

199 money and effects furnished by him to the garrison of the port of Monterey at the request of the señor commandant general of the department, and having solicited in payment thereof the orchard of the establishment of San Juan Bautista, with which he is satisfied, notwithstanding the value thereof is less than the amount due him, I have concluded, by virtue of the powers vested in me by the most excellent departmental assembly in their resolulution of the 4th of July of the last year past, and in conformity with the regulation of the 28th October of the same year to grant to him the orchard aforesaid.

Therefore, by these present letters, I declare the aforesaid Don Oliviè Deleisegues to be the legitimate owner of the said orchard of San Juan Bautista in payment of what is due him, in virtue whereof he will take judicial possession thereof under this patent.

Therefore, the present being held as a firm and valid title, I order it to be entered in the respective book, and that it be delivered to the interested party for his security and other purposes.

Given on common paper for the want of sealed, in the city of Los Angeles, on the fourth day of May, one thousand eight hundred and forty-six.

(Signed) PIO PICO.

(Signed) JOSE MATIAS MORENO, *Sec'y.*

Entry is made of this superior patent in the proper book.

MORENO.

Senor First Alcalde:

I, Maria Concepcion Boronda, widow of Don Oliviè Deleisegues, and as the administratrix and guardianess of my minor children, in the exercise of my rights, appear before your honor in due form, and pray:

That your honor, in your goodness and integrity, may be pleased to direct that I may be favored with the possession, which was not given to my deceased husband, of the orchard situated north

200 of the principal square of this pueblo, according to my own right and that of my wards in the document accompanied herewith on two written leaves, and also in virtue of my being the only person who should have any right to the said orchard.

Therefore I pray your honor to order a decree in conformity therewith, it being justice that I implore, etc.

San Juan Bautista, April 23, 1850.

(Signed) MARIA CONCEPCION BORONDA.

SAN JUAN BAUTISTA,
April 23, 1850.

Being presented and admitted, let this petition be referred to the hon. county judge, that after an examination thereof, and of the title accompanied herewith, he may decide whether this court has any jurisdiction over the present case, and whether the title referred to

in the said petition is legal whereupon to prosecute the continuation of the cause. Let that be annexed to and preceding this. Thus:

I, citizen Angel Lebriga, first alcalde of this municipality, decreed, ordered, and signed, with my assisting witnesses. I attest:

(Signed) ANGEL LEBRIGA.

Asst'g witnesses:

(Signed) JESUS FIGUEROA.

(Signed) SATURNINO CAREAGA.

The title was annexed, and the foregoing act was notified to Doña Concepcion Boronda, whereupon she requested that those originals be delivered to her to repair to Monterey as directed, and she signed it.

(Signed) C. BORONDA.

(Signed) LEBRIJA.

On the same day, and on three written leaves, these documents were delivered to the party.

I enter it. (Lebrija's Rubric.)

201 [Original.]

EXHIBIT XXXVII.—*San Jose.*

El Ciudadano Pio Pico, Gobernador Constitucional del Departamento de Californias:

{ Gobierno del Depto. [EAGLE.] de Californias. }

Por cuanto los Señores Don Andres Pico y Don Juan Bautista Alvarado se han presentado como compradores del Eetablecimiento ó Mision de San José, y con arreglo à la facultad concedida á este Gobierno Departamental en trece de Abril del presente año, por la E. Asamblea, y en uso de las que me concede el Supremo Gobierno General, á nombre de la nacion Mejicana, y de conformidad con la ley de 18 de Agosto de 1824, y reglamento de 21 de Noviembre de 1828; he venido en declarar, como declaro á los expresados Señores dueños en propiedad del dicho establecimiento y bajo las condiciones siguientes:

1a. Pertenece, en venta real y personal para siempre jamas à los Señores Don Andres Pico y Don Juan Bautista Alvarado, el Establecimiento ó Mision de San José, con sus terrenos, bienes raices y semovientes, y demas muebles existentes, confor me al inventario hecho por la comision que nombró este Gobierno.

2a. Se exceptuan de esta venta la casa cural, que consta de seis piezas con el local que á ella pertenece ó le està señalada quedando á beneficio del R. P. Misionero.

3a. Pagarán los expresados Señores Pico y Alvarado al Gobierno Departamental, por la venta del relacionado establecimiento ó Mision de San José, la cantidad de doce mil pesos en metalico como valor

convenido en contrata formal, quedando á su beneficio las cantidades que se le deban al dicho establecimiento, asi como tambien pagaràn à los acreedores las que deba el establecimiento, pues està convenido por la presente contrata que serà de su precisa obligacion el chancelar aquellas cuentas de una manera definitiva.

202 4a. Podran los interesados cerrar, cercar ò acotar sus terrenos sin perjudicar las travesias, camios y servidumbres; lo disfrutarán libre y exclusivamente, haciendo de èl, el uso que mejor les conviniera á su aprovechamiento.

5a. Pediràn los interesados, al Juez que corresponda, la posesion judicial de dicho establecimiento en virtud de este titulo por la cual se les demarcaràn los linderos con las mojoneras de estilo, quedando en la precisa obligacion de levantar el respectivo diseño y agregarlo al presente Titulo.

Por tanto, mando, que el presente Titulo se tenga por firme y valedero, sirviendo de autentica escritura para la seguridad de los referidos compradores. Se tome razon de èl en el libro à que corresponda, y se les entregue à los interesados para su resguardo y demas fines.

Es dado en la Ciudad de Los Angeles, Capital del Departamento de Californias, en papel comun por falta de sellado, à los cinco dias del mes de Mayo del año de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, *Srio. Ynt'o.*

Queda tomada razon de este Superior Despacho en el libro respectivo.

MORENO.

[Translation.]

EXHIBIT XXXVII.—*Title to San Jose mission.*

Citizen Pio Pico, constitutional governor of the department of Californias:

{ Governor of the Dep. [EAGLE.] of the Californias. }

Whereas, Señores Andres Pico, and Juan Bautista Alvarado have appeared as purchasers of the establishment or mission of San Josè, and in accordance with the power vested in this departmental government on the 13th day of April, of the present year, by the

203 excellent assembly, and in exercise of those conferred on me by the supreme general government, in the name of the Mexican nation, and in conformity with the law of the 18th of August, 1824, and the regulations of the 21st November, 1828, I have thought proper to declare, as I do declare, the aforesaid señores owners in fee simple of said establishment, and under the following conditions

1st. The establishment or mission of San José belongs to Señores Andres Pico and Don Juan Bautista Alvarado, by title of real and personal sale, in perpetuity, together with its lands, real estate, live stock, and other existing movables, according to the inventory made by the commissioners appointed by this government.

2d. There is excepted from this sale the parsonage, consisting of six rooms, with the ground thereto belonging or assigned, the same being for the benefit of the reverend missionary father.

3d. Said Señores Pico and Alvarado shall pay to the departmental government for the sale of the said establishment or mission of San José, the sum of twelve thousand dollars in cash, as the value agreed by formal contract, having for their benefit the sums due said establishment. They shall also pay to the creditors the sums which said establishment may owe, as it is agreed by the present contract that they shall be bound to cancel those accounts in a definite manner.

4th. The parties interested may enclose, fence, or set bounds to their lands, without interfering with the cross-roads, highways, and easements, (servidumbres.) They shall enjoy it freely and exclusively, putting it to the use which may most conduce to their profit.

5th. The parties interested shall ask of the proper judge the judicial possession of said establishment by virtue of this title, by whom the boundaries shall be marked out with the customary landmarks, they being bound to make the corresponding plan and attach it to the present title.

Therefore, I order that the present title be held as firm and valid; serving as an authentic deed for the security of the said purchasers, that it be recorded in the proper book, and delivered to the
204 interested party for their security, and other purposes.

Given in the city of Los Angeles, capital of the department of the Californias, on common paper, there being none stamped, on the 5th day of May, in the year one thousand eight hundred and forty-six.

PIO PICO.

JOSE MATIAS MORENO, *Secretary pro tem.*

Note of this superior title has been made in the respective book.

MORENO.

[Original.]

EXHIBIT XXXVIII.—*Mision de la Soledad.*

Office of the U. S. Suv'r Gen'l, California. State papers, vol. xi, Missions, 1830–1846, p. 955.

El cuatro de Enero de 1846, se vendiò à Dn. Feliciano Soberanes la Fabrica de la Mision de la Soledad, que se compone de una sala y tres cuartos, asi como la huerta y viña de la expresada ex-Mision, en la cantidad de ochocientos y mas pesos que le adeuda la hacienda publica por suministros que hizo à las divisiones de los Senores Comandantes, Generales Dn. Manuel Micheltorena y Dn. José Castro; y en la misma fecha se le extendio el titulo de propiedad.

Pio Pico, Vocal Decano de la Asamblea Departamental y Gobernador Provisional de las Californias:

Gobierno del Depto.
[EAGLE.]
De Californias.

Por cuanto Dn. Feliciano Soberanes ha pretendido comprar para

su beneficio personal y el de su familia la fabrica de la ex-Mision de la Soledad que se compone de una sala y tres cuartos, el terreno, la huerta, y la viña de la expresada ex-Mision, mediante la can-
205 tidad de ochocientes y mas pesos que le adeuda la hacienda publica y nacional por suministros que hizo à las divisiones de los Señores Comandantes Generales, Don Manuel Micheltorena y Don José Castro; en uso de las facultades que me confirió la Exma. Asemblea Departmental en su acuerdo relativo de 4 del Julio del año pasado de 1845, y considerando que lo perteneciente à la ex-Mision de la Soledad se encuentra en un estado de ruina y abandono, declaro por las presentes letras, que el mencionado Don Feliciano Soberanes es dueño legalmente, y legitimo comprador de las expresadas fabrica, tierra, huerta y viña de la ex-Mision de la Soledad, mediante cesion que el repetido Soberanes hace à favor de la Nacion de mencionada cantidad de ochocientos y mas pesos que le adeuda la hacienda publica; pudiendo, desde ahora y en virtud de este despacho, tomar la posesion de dichas fabricas, tierra, huerta y viña; en la inteligencia que se excluye la Yglesia de dicha ex-Mision, la que quedarà à disposicion del Ylmo. Señor Obispo. El terreno que en virtud de las presentes letras pasa à la propiedad del Señor Soberanes, es de la extension de dos sitios de ganado mayor y colinda por la parte del norte con tierras del Rancho de Lugo, y por el sur con un aliso que està inmediato al arroyo seco.

Por tanto, mando que teniendose el presente por titulo firme y valedero, se tome razon de èl en el libro de asientos sobre adjudicaciones de terrenos valdios, y se entregue al interesado para su resguardo y demas fines. Dado en la Ciudad de Los Angeles, en este papal comun por falta absoluta del sellado, à cuatro de Enero de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MA. COVARRUBIAS, *S'rio.*

Queda tomada razon de este titulo en el libro respectivo. Angeles fecha *ut supra.*

COVARRUBIAS.

206 [Translation.]

EXHIBIT XXXVIII.—*Mission of La Soledad.*

On the fourth of January, 1846, was sold to Don Feliciano Soberanes, the building of the mission of La Soledad, embracing one parlor and three rooms, as well as the orchard-garden and vineyard, of the aforesaid ex-mission, for the sum of eight hundred and odd dollars due him from the public revenue for supplies that he furnished to the divisions of the Commanders General Don Manuel Micheltorena and Don José Castro; and on the same day the deed of ownership was granted to him.

Pio Pico, senior member of the departmental assembly, and provisional governor of the Californias:

{ Governor of Dep. [EAGLE.] of the Californias. }

Whereas Don Feliciano Soberanes has solicited to purchase, for his personal benefit and that of his family, the building of the ex-mission of La Soledad, comprising a hall and three rooms, the land, orchard, and vineyard of said ex-mission, for the sum of eight hundred and odd dollars, owing to him by the public and national revenue, for supplies furnished by him to the divisions of Commandants Generals Don Manuel Micheltorena and Don José Castro:

In virtue of the powers conferred upon me by the most excellent departmental assembly by its decree respecting the matter dated July 4th of last year, 1845, and considering that the property belonging to the ex-mission of La Soledad is in a state of ruin and abandonment, I do declare by these present letters that the said Don Feliciano Soberanes is the legal owner and legitimate purchaser of the said building, land, orchard, and vineyard of the ex-mission of La Soledad in consideration of the cession which said Soberanes makes in favor of the nation of the said amount of eight hundred and odd dollars, owing to him by the public revenue, he being at liberty from this date, and by virtue of this title, to take possession of
207 said buildings, land, orchard, and vineyard, it being understood that the church is excluded, this being left to the disposal of the most illustrious bishop.

The land which is transferred to the ownership of Señor Soberanes by virtue of these present letters is of the extent of two square leagues, (sitios de ganada mayor,) and is bounded on the north by lands belonging to Lugo's rancho; on the south by an alder tree, situated near the Arroyo Seco.

I therefore command that, these presents being held as a firm and valid title, a record thereof be made in the book of entries respecting the adjudication of vacant lands, and be delivered to the party interested, for his security and further ends.

Given in the city of Los Angeles, on this common paper, on account of the absolute want of sealed paper, on this fourth day of January, A. D. 1846.

(Signed) PIO PICO.

(Signed) JOSE MA. COVARRUBIAS, *Sec'y.*

A record of this title has been made in the respective book.

COVARRUBIAS.

[Original.]

EXHIBIT XXXIX.—*Mision de San Rafael.*

Pio Pico, Gobernador Constitucional del Departamento de Californias:

{ Gobierno del Depto. [EAGLE.] De Californias. }

Por cuanto los Señores Antonio Suñol, Antonio Ma. Pico se pre-

sentaron à este Gobierno solicitando se les dé en legitima posesion la Mision de San Rafael con los terrenos que le pertenencen en pago de
208 ocho mil pesos con que han auxiliado al mismo Gobierno para urgencia à mas de quedar obligados à pagar à los acreedores las deudas que tenga el establecimiento en los terminos mas oportunos; teniendo en consideracion los perjuicios que los interesados han tenido por el estado de la satisfacion de aquella deuda, y que las fincas estando en un abandono total no pagarian á los dichos acreedores, he venido en concederles à los expresados Señores la mencionada Mision con sus pertenencias exceptuando las casas que sirven de habitacion al Padre, La Yglesia y sus pertenencias; usando pues de las facultades con que me hallo autorizado por el Supremo Gobierno Nacional y por decreto de la Honorable Asamblea Departamental de fecha trece de Abril de este año, declaro por las presentes letras à los Señores ante dichos dueños en propiedad de la referida Mision en los terminos que quedan estipulados.

En consecuencia mando, que teniendose el presente titulo por firme y valedero, se tome razon de èl en el libro à que corresponde, y se entregue à los interesados para su resguardo y demas fines.

Dado en la Cuidad de los Angeles, en papel comun por no haber sellado, á los ocho dias del mes de Junio de mil ochocientos cuaranta y seis.

(Signed) PIO PICO.

(Signed) JOSE MATIAS MORENO, *Srio. Ynto.*

Queda tomada razon de este Superior Despacho en el libro respectivo.

(Signed) MORENO.

209 [Translation.]

EXHIBIT XXXIX.—*Mission of San Rafael.*

Pio Pico, constitutional governor of the department of the Californias:

{ Government of Dep. [EAGLE.] of the Californias. }

Inasmuch as Señores Antonio Suñol and Antonio Maria Pico have presented themselves to this government, soliciting that legal possession may be given them of the mission of San Rafael, with the lands belonging thereto, in payment of eight thousand dollars with which they have assisted the said government, in its necessities, besides binding themselves to pay the creditors the debts due by the establishment in the most opportune manner; taking into consideration the injuries which the said parties have sustained from the non-payment of the said debt, and the said property being in such a state of ruin that it would not pay the said creditors, I have determined on granting to those gentlemen the said mission and its appurtenances, except the houses which serve the priest for dwelling in, and the

church and its appurtenances; exercising, therefore, the powers with which I am invested by the supreme national government and by the decree of the honorable departmental assembly bearing date the thirteenth day of April of this year, I declare, by these presents, the aforesaid señores owners in their own right of the said mission on the terms stipulated.

Consequently, I order that the present title being held for firm and valid. note of it be taken in the corresponding book and afterwards it be delivered to the said señores for their security and other purposes.

Given at the city of Los Angeles, on common paper from there being none sealed, the eighth day of the month of June, one thousand eight hundred and forty-six.

(Signed) PIO PICO.

JOSE MATIAS MORENO, *Secretary ad interim.*

210 Note has been taken of this gubernatorial document in the respective book.

(Signed) MORENO.

[Original.]

EXHIBIT XL.—*Huerta de la mission de Santa Clara.*

Pio Pico, gobernador constitucional del departam'to de Californias:

{ Gobierno del Depto. [EAGLE.] De Californias. }

Autorizado previamente por la Exma. Asamblea Departamental para la enagenacion de las Misiones à fin de evitar la total ruina de ellas, y proporcionar al gobierno recursos que de pronto necesita para atender à sus urgencias, y en vista de la solicitud de los ciudadanos Juan Castañeda, Luis Arenas, y Benito Diaz, en que pretenden comprar la huerta de arboles frutales de la Mision de Santa Clara, con las casas que le son anexas, ubicada al frente del establecimiento; usando de las facultades con que me hallo investido per el Supremo Gobierno Nacional y Decreto de la expresada Honorable Asamblea de 13 de Abril ultimo; he venido en hacer venta y enagenacion perpetua de la expresada huerta à los referidos Señores Juan Castañeda, Luis Arenas, y Benito Diaz, en la cantidad de mil doscientos pesos, que han pagado, y recibido este Gobierno à su satisfacion, de conformidad con el avalúo que de ella hizo la Comision de Misiones, el que he tenido à bien moderar por el demerito en que actualmente se halla la referida huerta.

Y para la debida constancia en todos tiempos, doy este documento, como en formal escritura, que serà reconocido y acatado por todas las autoridades civiles y militares de la Nacion, en este y en los demas Departamentos, y aun por el Gobierno General, autorizado debidamente con mi firma y la del Secretario de mi Despacho.

En consecuencia mando que, teniendose el presente titulo
211 por firme y valedero, se tome razon de èl en el libro que corresponda, y se entregue à los interesados para su resguardo y usos que les convenga.

El Jues respectivo, en vista de este titulo, los pondrà en posesion de la mencionada huerta, de que les harà formal entrega el encargado del establecimiento, à quien seà librarà orden al efecto.

Dado en la Ciudad de Los Angeles, en papel comun por falta de sellado, à los trienta dias del mes de Junio, de mil ochocientos cuarenta y seis.

PIO PICO.

JOSE MATIAS MORENO, *Srio. Ynto.*

Queda tomada razon de este Superior Despacho en el libro respectivo.

(Signed) MORENO.

[Translation.]

EXHIBIT XL.—*Orchard of the mission of Santa Clara.*

Pio Pico, constitutional governor of the department of the Californias:

{ Government of dept. [EAGLE.] of the Californias. }

Having been previously authorized by the most excellent departmental assembly. to alienate the missions for the purpose of preventing their total ruin, and to provide for the government means which it needs immediately to meet its urgent necessities, and in view of the petition of the citizens Juan Castañeda, Luis Arenas. and Benito Diaz, in which they propose to purchase the orchard-garden of the mission of Santa Clara with the houses pertaining to it, situated in front of the establishment; using the powers in me vested by the supreme government of the nation, and the decree of
212 the said honorable assembly of the 13th of last April, I have hereby made sale and perpetual alienation of the said orchard-garden to the said Señores Juan Castañeda, Luis Arenas, and Benito Diaz, for the sum of one thousand two hundred dollars, which they have paid and which this government has received in full satisfaction therefor, in conformity with the appraisement of the same by the committee on missions, which I have thought proper to diminish, on account of the bad condition in which the said orchard-garden now is.

And for the proper authentication thereof hereafter forever, I give this document as a formal deed, which shall be recognised and respected by all the civil and military authorities of the nation, in this and in the other departments, and also by the general government, duly attested with my own signature and that of my secretary of state.

In consequence, I order that the present title being held firm and valid, an entry thereof be made in the proper book, and it be delivered to the persons interested for their own security and convenient purposes.

The proper magistrate, on presentation of this title shall put them in possession of the said orchard-garden, a formal delivery of which

will be made to them by the person in charge of the establishment, to whom orders to that effect will be issued.

Given in the city of Los Angeles, on common paper for want of stamped, on the thirtieth day of the month of June, one thousand eight hundred and forty-six.

(Signed) PIO PICO.

(Signed) JOSE MATIAS MORENO, *Sec'y ad interim.*

An entry of this superior despatch has been made in the respective book.

(Signed) MORENO.

213 [Translation.]

EXHIBIT XLI.

MINISTRY OF WAR AND MARINE,
Section of Principal.

EXCELLENCY: To the general commander of California, I this day communicate as follows:

"The preparations which the United States are making and the approach of the naval forces towards our ports, leave no doubt that war with that power is about breaking out, and as his excellency the President *pro tem.* is resolved to sustain the rights of the nation, he wishes that in all the ports of the republic where the enemy may present itself, a rigorous defence be made, capable of giving honor and glory to the national flag. For that object and until the supreme government appropriates and sends you the necessary means, it relies upon your patriotism and fidelity to dictate the measures which you may judge necessary for the defence of that department, for which purpose you and his excellency 'are invested with full powers.'

And I have the honor to transcribe the same to you, for your cognizance, hoping that you on your part, will leave no efforts to preserve entire the rights of the nation.

God and liberty. Mexico, March 10, 1846.

TORNEL.

To his excellency the governor of
the department of the Californias."

This is a true copy of the original which remains in my possession, and to which I refer.

Angeles, September 30, 1852.

(Signed) PIO PICO.

214 [Original.]

EXHIBIT XLII.—*Titulo VII.—Gobierno de los departamentos.*

(Extract of Mexican Constitution of 1843.)

Articulo 134. Son facultades de las Asambleas Departamentales:

1a. Establecer arbitrios para completar sus gastos ordinarios, ó para hacer los extraordinarios que determinen segun sus facultades, con

aprobacion del Congreso, sin perjuicio de llevarlos á efecto inmediamente que los decreten. El Presidente de la República puede suspender la ejecucion de estos arbitrios, dando cuenta sin demora al Congreso.

2a. Arreglar la inversion y contabilidad de la hacienda del departmento.

3a. Crear los empleados necessarios para la recaudacion y distribucion de la hacienda departmental, asignarles sus dotaciones. y reglamentar las obligaciones de los empleados.

4a. Crear fondos para establecimientos de instruccion, utilidad ó beneficencia publica, con los requisitos designados en la atribucion primera.

5a. Decretar lo conveniente, y conforme à las leyes, respecto de la adquisicion, enagenciones y permutas de bienes que pertenezcan al comun del departamento. Sobre enagenciones de terrenos se observaràn las leyes vigentes, y lo que determinen las de colonizacion.

6a. Disponer la apertura y mejora de los caminos del Departamento y cuidar de su conservacion, estableciendo en ellos peages para cubrir sus costos; entendiéndose esta atribucion sin perjuicio de lo que dispongan las leyes sobre caminos generales.

7a. Fomentar la enseñanza pùblica en todos sus ramos, creando y dotando establecimientos literarios, y sujetàndose à las bases que diere el Congreso sobre estudios preparatorios, cursos, exàmenes y grados.

8a. Crear y reglamentar establecimientos de beneficencia, correccion ó seguridad.

215 9a. Reglamentar el contingente de hombres que para el ejèrcito deba dar el departamento.

10a. Hacer la division política del territorio del departamento, establecer corporaciones y funccionarios municipales, expedir sus ordenanzas respectivas, y reglamentar la polcía municipal, urbana y rural.

11a. Cuidar de la salubridad pública y reglamentar lo conveniente para conservarla.

12a. Fomentar la agricultura, industria, y demas ramos de prosperidad, segun sus facultades.

13a. Aprobar los planes de arbitrios municipales, y los presupuestos anuales de los gastos de las municipalidades.

14a. Establecer y organizar los tribunales superiores y jusgados inferiores, respetando la propiedad de los actuales magistrados y jueces, y reglamentar el ejercicio de sus funciones, sin alterar el órden de procedimientos que disponen ó dispusieren las leyes.

15a. Hacer al Congreso iniciativas de ley en uso de la facultad que les da el Arto. 53.

16a. Consultar al Gobernador en todos los asuntos en que este lo exiga, y tambien en los que deba hacerlo conformé à estas bases, y à las leyes.

17a. Proponer al Gobierno Supremo una lista de todas las personas que le parezcan à propósito, y que no sean menos de cinco, para el nombramiento de Gobernador. En los departamentos fronterizos no tendrà obligacion el Gobierno de sujetarse à esta lista, y sucederà lo

mismo cuando en algun otro departamento, y en caso extraordinario, lo acordare el Congreso por iniciativa del Presidente.

18a. Hacer las elecciones segun estas bases, de Presidente de la Republica, individuos de la Suprema Corte de Justicia y Senadores.

19a. Decretar la fuerza de policía que debe haber en el Departamento y reglamentar su servicio, que se reducirà à conservar el orden, cuidar de la seguridad pública, y auxiliar la ejecucion de los mandatos de las autoridades políticas y judiciales. Esta fuerza no gozarà fuero, y deberà estar distribuida en las poblaciones con proporcion a sus necesidades.

216 [Translation.]

EXHIBIT XLII.—*Title VII.—The government of the departments.*

Article 134. The powers of the departmental assemblies are:

1st. To establish the means of meeting their ordinary expenditures, or of making those that are extraordinary, which they may direct according to their powers, with the approbation of the congress, without prejudice to carry them into effect immediately after they shall be decreed. The president of the republic may suspend the execution of these means, giving notice, without delay, to congress.

2d. To regulate the receipts and accounts of the treasury of the department.

3d. To appoint the necessary officers for the collection and paying out of the departmental revenue, fix their salaries, and regulate the duties of the officers.

4th. Create funds for the establishment of education, utility, or public benevolence, with the requisites designated in the 1st article.

5th. To decree what may be proper (and conformable to the laws) respecting the acquisition, alienations, and exchanges of the property that may belong to the community of the department. With regard to the alienation of lands, they shall observe the existing laws, and whatever is decreed by the laws of colonization.

6th. To direct the opening and improvement of the roads of the department, and take care of their preservation, establishing thereon toll-gates to cover their cost. This power, it is well understood, without prejudice to what the laws respecting general roads may direct.

7th. Encourge public instruction in all its branches, creating and donating literary institutions, and subjugating them to the regulations called for by congress respecting preparatory studies, courses, examination and grades.

8th. Create and regulate establishments of benevolence, correction, or security.

217 9th. Regulate the contingent of men which the department should furnish the army.

10th. Make the political division of the territory of the department, establish corporations and municipal officers, furnish their respective ordinances, and regulate the municipal city and county police.

11th. Take care of the public health, and make the proper regulations to preserve it.

12th. Encourage agriculture, industry, and other sources of prosperity, according to their powers.

13th. Approve the plans of the municipal expedients and the annual estimates of the expenses of the municipalities.

14th. Establish and arrange the superior tribunals and inferior justices' courts, respecting the authority of the actual magistrates and judges, and regulate the exercise of their functions, without altering the order of proceedings that the laws direct, or shall direct.

15th. To make suggestions of laws to congress, according to the power given by article 53.

16th. Advise the governor in all matters, when he shall demand it, and likewise in those when they should do it conformable to these bases and to the laws.

17th. Propose to the supreme government a list of all the persons that may appear to them fit, and which shall consist of not less than five, for the appointment of governor. In the frontier departments the government shall not be obliged to conform itself to this list, and this shall follow when in any other department, and in any extraordinary case congress shall grant it upon the application of the president.

18th. To make the elections of the president of the republic, members of the supreme court of justice, and senators, according to these basis.

19th. To decree the police force which the department should have, and to regulate its duty, which shall be confined to preserving order, taking care of the public safety, and aiding the execution of the mandates of the political and judicial authorities. This force shall not enjoy any privileges, and shall be distributed among the population according to their necessities.

218 EXHIBIT XLIII.

JOSEPH S. ALEMANY, Bishop, etc.
vs.
THE UNITED STATES.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the claim of the said petitioner is valid for the land hereinafter specifically described, and the same is therefore hereby confirmed to him to hold the same in the capacity and for the uses set forth in his petition; and as to the remaining portion of the premises claimed in the petition, it is adjudged that the claim for the same is not valid, and the same is rejected.

The lands of which confirmation is hereby made, are as follows, to wit:

The land known as the Cañada de los Pinos or college ranch, situated in the county of Santa Barbara, and bounded and described as follows:

Beginning on the north bank of the river Santa Ynez, in front of the Cañada, called by the Indians, "Acmamiquiamè," which south

of the river forms the boundary of the Messrs. Carrillo and Yansen; and on the west of the mission of Santa Ynes there is a marked *alamo*, that serves as a landmark; thence running easterly along the bank of the river, sixteen thousand five hundred varas, terminating at the "Cañada de Aquichumo," where a tree was marked as a bound when the judicial measurement of this land was given by Nicolas A. Den; thence running north sixteen thousand varas to the Sierra de San Rafael; and commencing again at the place of beginning for the western line of said tract of land; the same runs thence north fifteen thousand one hundred varas, till reaching the boundary of the Neophyte Antonio; and thence in an easterly direction to the northern termination of the line, secondly above described, which constitutes the eastern line of said land; excepting and reserving from the premises above described, such portions of said land as belongs to individual neophytes or others, at the time juridcal possession was
219 given on the 14th day of April, 1845; being the same premises described in two grants thereof made by Governor Micheltorena, one on the 16th day of March, and the other on the 26th day of September, 1844, and more particularly described in the testimonial of juridical measurement above mentioned, both of which are on file in this case, and are to be referred to for more particular description of said premises.

The land known as the rancho "Laguna," situated in the county of San Luis Obispo and near the mission of that name, and bounded and described as follows, to wit:

Commencing at some large rocks, which are at the skirt (falda) of the second serro, which forms the "Cañada de los Osos," and running thence in a southwesterly direction along the boundary of Don Maximo Pacheco, on the level land of the Cañada and the lateral hills of the "Cerro de la Majada" five thousand varas; thence southeasterly along the range of hills and the sierra five thousand varas to the mouth of the "Cañada de San Miguelito," designating at that point as a boundary the same mark that designates the boundary of Don Miguel Abila; thence in a northeasterly direction along the skirts of the hills on the same line of the boundary of Don Victor Linares, and in the same direction along the plain to the stone fence in front of the laguna at the point of centre between the two cerros which form the entrance to the plain southwest of the principal building of San Luis Obispo, said line being five thousand varas in length; thence northwesterly along the foot of the two cerros and the edge of the plain in which the lake ("laguna") is situated, five thousand varas to the point of commencement, containing one square league of land—being the same land described in the testimonial of juridical measurement thereof, made by the alcalde, Tomas X. Herrera, September 23, 1845, which is on file in this case, and to which reference is to be had.

The church and the buildings adjoining thereto, erected on three sides of a quadrangle, and constituting the church and mission buildings of the ancient mission of San Diego, in San Diego county, together with the land on which the same are erected, and the cur-

tilage and appurtenances thereto belonging, and the cemetery
220 adjoining the same, and also a garden, situated south of the buildings abovementioned and a short distance therefrom, enclosed with an adobe wall, and known as the garden of said mission; the said premises being the same designated as "church buildings" and "garden," in the delineation thereof on map numbered one, in the atlas marked "Exhibit No. 1, A. F.," and annexed to the deposition of James Alexander Forbes, filed in this case Nov. 29, 1854, reference to be made thereto for a further description.

The church and the building adjoining thereto, built in a quadrangular form, and constituting the building known as the church and mission buildings of the mission of San Luis Rey, situated in San Diego county, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery adjoining the same, enclosed with a stone wall and the wall of the church; also the enclosed gardens, one of which is situated nearly south from said quadrangle, and is enclosed by an adobe wall, with the exception of a small portion on the western side, where the enclosure is of branches or sticks; the other is situated in a direction about northwest from said quadrangle, and is enclosed by an adobe wall, said gardens being the same which were formerly used by the priest having charge of said mission. The property above described is the same delineated on map numbered two in the atlas above referred to.

The church and the building nearly adjoining thereto, built in a quadrangular form, which are known as the church and mission buildings of San Juan Capistrano, situated in Los Angeles county, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the enclosed cemetery which adjoins the same; also two enclosed gardens, known as the gardens of said mission, both being within five hundred yards of said buildings, and in an easterly and southeasterly direction therefrom, and being the same which are delineated and designated as "orchard" and "orchard and garden," on map numbered three, in the atlas abovementioned.

The church and the buildings adjoining thereto, which are known as the church and mission buildings of the ancient mission
221 of San Gabriel, situated in Los Angeles county, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery, enclosed with an adobe wall, and adjoining said church; also an orchard and garden, situated in front and south of said church, at a distance of some seventy or eighty feet from the same, as the same is enclosed with adobe walls and a fence, being the same which was long used by the padres of said mission, and the same laid down on the map numbered four in the atlas beforementioned, as "orchard" and "garden;" also a vineyard, which was used by the said padres as such, situated in a northerly direction from said church, at the distance of about sixteen chains therefrom, and is bounded on the west by a road, and on the other side by an adobe wall and fence, being the same tract of land which is delineated and marked "vineyard" on said map.

The church and the buildings adjoining thereto, erected in the form of a quadrangle, constituting the building known as the church and mission buildings of the mission of San Buenaventura, situated in Santa Barbara county, together with the land on which the same are erected, and that included within said quadrangle, and the curtilage and appurtenances thereto belonging, and the cemetery enclosed by an adobe wall and adjoining the church. Also, a garden, situated southwest of said quadrangle, and at the distance of about one hundred feet from said cemetery, enclosed by an abode wall, being the same used and occupied by the priests of said mission, and the same delineated on map numbered five in the atlas aforesaid, and therein designated by the words "garden and orchard."

The church and the buildings adjoining thereto, built in a quadrangular form, and the house connected with the same by a yard at the southwest corner of said quadrangle, which are known as the church and mission buildings of the mission of San Fernando, situated in the county of Los Angeles, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery inclosed with an adobe wall and adjoining said church.

The church and the buildings adjoining the same, built in a quadrangular form, and constituting the church and mission buildings of the mission of Santa Barbara, situated in the county of Santa
222 Barbara, together with the land on which the same are situated, and the curtilage and appurtenances thereto belonging, and the cemetery as enclosed by a stone wall, and adjoining said church, and including the small chapel standing within the limits of said cemetery. Also, a garden known as the mission garden, situated at the distance of about four chains from the most southern part of said quadrangle, the same being enclosed on all sides by an adobe wall, and being the same occupied and used by the priests of said mission. Also, a vineyard situated about twelve miles west of said mission buildings, the fence enclosing the same constituting the boundaries thereof, and being the premises occupied and used many years by the priests of said mission, and well known as the "mission vineyard." The garden and vineyard intended to be confirmed by this decree are the same delineated on the map numbered seven in the atlas before referred to, under the designations of "garden, 16 a, 3 R, 2 P," and "vineyard, 8 a, 3 R, 2 y," and denominated "San José."

The church and the buildings adjoining thereto, erected in the form of a quadrangle, and constituting the church and mission buildings of the ancient mission of Santa Ynes, situated in Santa Barbara county, together with the land on which the same are erected, and curtilage and appurtenances thereto belonging, and the cemetery, as the same is enclosed with its adobe walls, and which adjoins said church. Also a tract of land, situated in an easterly direction from said quadrangle, at a distance of about eight chains therefrom, known as the mission garden, and long occupied by the priests of said mission, with the boundaries as the same is enclosed by fences,

and the same is delineated on map numbered eight, in the atlas before mentioned, and there denominated "orchard and garden."

The church and building occupied as a dwelling adjoining it constitutes the church and mission buildings of the mission of La Purisima, situated in Santa Barbara county, together with the land on which the same are erected, and the court-yard fenced in adjoining the buildings in the rear, and the curtilage and appurtenances thereto belonging, and also the cemetery belonging to the said mission, with the limits as established by the adobe wall by which the same
223 is surrounded, including, however, within the limits the land covered by the old church now in ruins. Also, a garden situated about half a mile northwest of said building, known as the mission garden, with the fence by which the same is enclosed for its boundaries, being the same which is delineated on map numbered nine in the atlas before referred to, on which it is designated by the word "orchard."

The church and the buildings adjoining thereto erected in the form of a quadrangle, constituting the building known as the church and mission buildings of the mission of San Luis Obispo, in San Luis Obispo county, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery adjoining said church, with the boundaries as enclosed by the adobe wall surrounding the same. Also two gardens, known as the mission gardens, and long occupied by the priests of said mission; one of which is situated to the northwest, and the other to the east of said quadrangle, the boundaries thereof being the wall and fence by which the same are enclosed, and including in the latter the passage-way from the mission building to the entrance of the garden as now used. The two gardens are the same as delineated on the map numbered ten, in the atlas above referred to, and the same described in a grant thereof made by Governor Micheltorena, to the rectors of the church of said mission, on the 16th day of July, 1844, to which (being on file in this case) reference is to be had.

The church and the buildings adjoining the same built in the form of two quadrangles, nearly completed, constituting the church and buildings known as the church and mission buildings of the mission of San Miguel, situated in San Luis Obispo county, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery adjoining said church and buildings, with the boundaries as enclosed by the adobe walls which surround the same; also a vineyard, situated in a northeasterly direction, and at the distance of about three miles from said church, known as the mission vineyard, and called "La Mayor," embracing the land within the limits as they have been known within the enclosure
224 and as fenced and cultivated by the priests of said mission being the same premises described in a grant thereof to th rector of the church of said mission by Governor Micheltorena, Jul 16th, 1844, to which (being on file in the case) reference is to be had

The church with the buildings which adjoins the same, and those hich are situated in immediate proximity thereto, constituting parts

of the quadrangle in which said buildings are arranged, which together are known as the church and mission buildings of the mission of San Antonio, situated in the county of San Louis Obispo, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging. Also the cemetery belonging to said mission, and enclosed in adobe walls, and situated a short distance from said quadrangle in a southwesterly direction. Also the vineyard known as the mission vineyard, situated in a southwesterly direction from said church, including the premises enclosed with the adobe walls surrounding the same, being the same delineated on map numbered twelve, in the atlas above mentioned, and designated thereon as the "vineyard." Also the premises known as the garden of said mission, situated at the northeast of the church and buildings aforesaid, and contiguous to them, with the adobe wall surrounding the same for its boundaries; being the premises delineated on the said last-mentioned map, and designated thereon by the word "orchard." Also the flour mills of said mission, erected and occupied by the priests of the said mission, situated about five chains northerly from said vineyard, with the privileges and appurtenances belonging thereto, reference for a more particular description whereof is to be had to the delineation of the same on said map.

The church and the buildings adjoining the same and extending east of it, being the same known as the church and mission buildings of the mission La Soledad, situated in Monterey county, together with the land on which the same are erected, and the enclosure, curtilage, and appurtenances thereto belonging; and also the cemetery near said church and on the west of it, with the limits as defined by the adobe wall which encloses the same. Also the garden of said mission, situated at the west of said church, with the limits as enclosed by an ancient hedge-fence of willows, and an old adobe wall, being
225 the same used and occupied for many years by the priests of said mission, and the same delineated on map numbered thirteen, in the atlas before referred to, under the designation of "orchard." Also a vineyard known as the "mission vineyard," situated about three miles and a half southwest of said mission buildings; the same being situated in a cañada, having for its limits, on the north, south, and west, the precipitous sides thereof, which form a natural boundary, and enclose the same; and on the east side, the narrow gorge which forms the entrance thereto; being the same premises marked "vineyard," and delineated on the last mentioned map.

The church and the buildings adjoining the same, erected on three sides of a quadrangle, being the same known as the church and mission buildings of the mission of El Carmelo, situated in Monterey county, together with the land on which the same are erected, and curtilage and appurtenances thereto belonging; and also the cemetery adjoining to the same, with the limits as fixed and defined by the stone wall enclosing the same. Also the garden of said mission, which is situated about southeast from said church, with the limits as the same is enclosed by the hedge of willows surrounding it, being the same premises marked "orchard" on map numbered fourteen in the atlas before referred to.

The church and the buildings adjoining it, built so as to form portions of the sides of a quadrangle, enclosed on the other part with an adobe wall, constituting the church and mission buildings, with its quadrangle, of the ancient mission of San Juan Bautista, situated in Monterey county, together with the land covered by the same, and the curtilage and appurtenances thereto belonging, and the cemetery, with the extent enclosed within its walls. which adjoins said church; also the premises known as the garden of said mission, situated about three chains northeast from said church, having for its boundaries the embankment and ditch on three sides, and a hedge of willows on the fourth side, by which the same is enclosed, being the same premises laid down on map numbered fifteen in the atlas above referred to, and thereon designated by the word "orchard." Also the premises known as the mission vineyard, situated about eighty-four chains southeast from said church, embracing the land used for many
226 years by the priests of said mission as a vineyard, and enclosed by a ditch and the remains of an adobe wall, it being the same delineated on map numbered fifteen, and marked "vineyard."

The church and the buildings adjoining the same, constituting the church and mission buildings of the mission of Santa Cruz, in Santa Cruz county, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery as the same is enclosed by its adobe walls, which adjoins said church and buildings. Also the premises adjoining said buildings and their curtilage and said cemetery, and situated to the north and east of the same, known as the mission garden, and enclosed partly by a ravine and partly by adobe walls, the same being the premises delineated on map numbered sixteen in the atlas before referred to, and there designated by the term "orchard."

The church and the building adjoining the same, built in the form of a quadrangle, and known as the church and mission buildings of the mission of Santa Clara, situated in Santa Clara county, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery adjoining the same, with the limits embraced by the adobe walls surrounding it and the building above mentioned to which it adjoins. Also the premises known as the vineyard of said mission, situated on the south side of said quadrangle and adjoining said buildings, within the enclosure of the adobe walls by which it is surounded, being the same premises delineated on map numbered seventeen in the atlas before referred to, where it is designated by the term "vineyard." Also the premises known as the garden or orchard of said mission, situated northeast from the church and distant about sixteen and a half chains, and enclosed with an adobe wall which define its boundaries, the same being delineated and represented on said map numbered seventeen by the term "orchard."

The church known as the mission church of the mission of San José, situated in the county of Santa Clara, together with the land on which the same is erected, with the curtilage and appurtenances thereto belonging, and also the cemetery which adjoins said church

on the north side thereof, embracing all the land within the
227 adobe wall which forms its exterior lines. Also the garden of said mission which adjoins said church, including the area which is surrounded by an adobe wall, excepting a portion at the northeast corner, where the boundary is a fence, being the same premises delineated and designated by the term "vineyard" on map numbered eighteen in the atlas before referred to. Also another parcel of land situated at the distance of five chains south of the premises last described, which is also known as the mission garden or orchard. the boundaries of the same being the adobe wall by which the same is enclosed, and the same premises marked "orchard" on the map last mentioned. Also the cemetery, which is situated at the west side of said church and distant about seventy-four chains from it, enclosed by an adobe wall, and being the same delineated on the map last mentioned, (in the southeast corner of said map,) and marked "cemetery."

The church and the buildings adjoining it, being the same which are known as the church and mission buildings of the mission of San Francisco, in the county of San Francisco, commonly called the mission Dolores, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging; and the cemetery adjoining according to its ancient limits and boundaries; also the premises known as the mission garden, lying in the rear of said church adjoining the same and the cemetery abovementioned, with the ancient limits and boundaries of the same as used and occupied by the priests of said mission; and also another garden of said mission, situated in front of said church and on the opposite side of the street, with the ancient limits and boundaries of the same as long used and occupied by said priests; reference for the description of these two last-mentioned parcels of land to be had to the map numbered nineteen in the atlas beforementioned, where the same is delineated, each parcel being designated by the word "garden."

The church and the buildings adjoining the same, being the same known as the church and mission buildings of the mission of San Rafael, situated in Marin county, together with the land on which
228 the same are erected, and the curtilage and appurtenances thereto belonging, and the cemetery adjoining them, with the area which is enclosed by the fence surrounding the same; also the mission garden, which is situated about ten chains in an easterly direction from said church, the boundaries thereof being the adobe wall, by which the same is enclosed, and being the same premises which are delineated on map numbered twenty in the atlas before referred to, (extending to the north, however, only to the line marked thereon "ruins of adobe walls,") and designated by the word "vineyard."

The church and the buildings adjoining the same, known as the church and mission buildings of the mission of San Francisco Solano, situated in the town of Sonoma in Sonoma county, together with the land on which the same are erected, and the curtilage and appurtenances thereto belonging; also the garden or vineyard, situated

about fourteen and a half chains from the building aforesaid, and in an easterly direction, called the mission vineyard, with its ancient limits and boundaries as occupied and used by the priests of said mission, being the same delineated on map numbered twenty-one, and designated by the word "vineyard."

ALPHEUS FELCH,
R. AUG. THOMPSON,
S. B. FARWELL,
Commissioners.

Filed in office Dec. 18, 1855.

GEO. FISHER, *Sec'y.*

UNITED STATES OF AMERICA,
State of California, southern dist. of Cal.

I, C. Sims, clerk of the district court of the United States for the southern district of California, do hereby certify the foregoing to be a true, full, and correct copy of the original as the same appears of file in my office.

In witness whereof I hereunto set my hand and affix the seal of [SEAL.] said court, this 18th day of December, A. D., 1858.

C. SIMS, *Clerk.*
Per W. W. STETSON, *Deputy.*

229 EXHIBIT XLIV.

In the district court of the United States for the southern district of California.

THE UNITED STATES *vs.* JOSEPH S. ALEMANY. } No. 388.—Trans. No. 609.

In pursuance of a notice from the Attorney General of the United States, it is hereby stipulated and agreed, that the appeal heretofore taken from the decision of the United States land commission in this case, be dismissed, and the notice of intention to prosecute said appeal be withdrawn; and that claimant have leave to proceed under the said decision of the United States land commission, heretofore rendered in his favor, as under a final decree.

P. ORD,
Dist. attorney U. S. for south. dist. of Cal.
EUGENE CASSERLY,
Attorney for J. S. Alemany, claimant.

UNITED STATES OF AMERICA,
State of California, southern dist. of Cal.

I, C. Sims, clerk of the district court of the United States for the southern district of California, do hereby certify the foregoing to be

a true, full, and correct copy of the original as the same appears of file in my office.

In witness whereof I hereunto set my hand and affix the seal of said court, this 18th day of December, A. D. 1858.

[SEAL.]

C. SIMS, *Clerk.*
Per W. W. STETSON, *Deputy.*

230 Filed in office this 21st day of April, A. D. 1859.
C. SIMS, *Clerk.*

231 *Order allowing U. S. to file exhibits.*

In the United States district court south'n dis't Cal'a.—Special term, September, 1859.

LOS ANGELES, *September* 12, 1859.

JULIAN WORKMAN et al. *ads.* THE UNITED STATES. } No. 345.

Now, on this day, on motion of J. Hartman, special agent of the United States in land cases, it is ordered by the court that the United States att'ys be allowed to file corrected exhibits of those filed 21st day of April, A. D. 1859, in this case.

Stipulation to consider map in evidence.

U. S. dis't court of the south'n dis't of California.

WORKMAN et al. *vs.* UNITED STATES. } No. 345.—San Gabriel.

It is hereby stipulated between the parties hereto that the survey made by Henry Hancock, U. S. dep'ty surveyor general, and now on file, shall be considered as offered in evidence upon the trial of this cause.

J. R. GITCHELL,
U. S. Dist. Att'y.
J. LANCASTER BRENT,
Att'y for claim'ts.

Filed 4th January, 1860.

C. SIMS.

232 Whereupon the following proceeding was had in open court:

Judgment.

United States district court south'n dis't of Cal'a.—December term, 1860.

LOS ANGELES, *March* 29, 1861.

JULIAN WORKMAN et al., applee, *ads.* THE UNITED STATES, applts. } No. 345.

In this case, the parties appearing in court by their respective attorneys, and the same having been heretofore argued and submitted, the court renders judgment, affirming the decree of the U. S. board of land commissioners, and confirming the claim of appellees herein.

United States district court south'n dis't of Cal'a.—December term, 1860.

LOS ANGELES, *April* 2, 1861.

JULIAN WORKMAN et al. *ads.* THE UNITED STATES. } No. 345.

Now come claimants and present decree, in accordance with decision heretofore rendered herein, and the same is filed and signed by the court.

233 *Decree.*

In the United States district court for the southern district of California.

JULIAN WORKMAN, et al. *vs.* THE UNITED STATES. } No. 345.

This cause coming on to be heard on appeal from the final decision of the United States board of land commissioners to ascertain an settle the private land claims in the State of California, approve under the act of Congress of March 3d, 1851, on a transcript of th proceedings and decision of said board, and of the papers and ev dence upon which said decision was founded, and it appearing to th court that the said transcript and the appeal of the United State have been duly filed according to law, and such additional evidenc as either party desired, being by leave of the court adduced and e hibited, and counsel for the respective parties having been heard, is by the court ordered, adjudged, and decreed that the claim o Julian Workman, and of the heirs or legal representatives of Hug Reid, dec'd, is good and valid to the premises claimed herein; and that the decree of the said commissioners affirming the same is hereby affirmed.

The lands, of which confirmation is hereby made to the claimant and heirs, or legal representatives, as aforesaid, are those known in June, 1846, under the name and by the description of the ex-mission of San Gabriel, which lands are bounded as follows, to wit: on the north by the rancho of San Pascual and Santa Anita, on the west by the river of San Gabriel, on the south and west by the lands
234 of the mission Viega, of the city of Los Angeles, and the rancho of San Pascual. reserving, nevertheless, and excepting from this confirmation the lands, the titles whereof had been granted previously to the 8th June, 1846, by the Mexican government, including in this reservation and exception the gardens, churches, orchards, vineyards, and houses belonging to the said mission upon the 8th day of June, 1846; provided, that if within the above described boundaries there should be more than eleven leagues, confirmation is only made to the extent of eleven leagues; and, if there should be less than eleven leages, then to such less quantity.

Thus done, and signed in open court, this 2d day of April, A. D. 1861.

ISAAC S. K. OGIER,
U. S. Dist. Judge.

Filed April 2, 1861.

G. L. MIX, *Cl'k.*
Pr. JOHN O. WHEELER, *Dep'ty.*

235 Whereupon the following proceedings were had in open court:

United States district court southern district of California.—December term, 1860.

Los Angeles, *April 15th*, 1861.

JULIAN WORKMAN et al. *ads.* THE UNITED STATES. } No. 345.

In the matter of an appeal, on motion of J. R. Gitchell, U. S. dist. att'y for the southern district of California, it is ordered that an appeal be granted to the Supreme Court of the United States from the order and decree of this court, made April 1st, 1861, confirming the lands claimed in this case to the appellees herein.

236 United States district court southern dist. of California.

CLERK'S OFFICE, *Los Angeles.*

I, John O. Wheeler, clerk of the district court of the United States for the southern district of California, do hereby certify the foregoing 103 pages, numbered from 1 to 103 inclusive, together with printed exhibits, numbered from 1 to 44, and containing 135 pages, to contain a full, true, and correct transcript of the record of the

proceedings and of the decision of said court, and the papers and evidence on which said decision was founded, on file in my office, in case No. 345 on the docket of said court, wherein Julian Workman et al. are the claimants against the United States for the place called "The Mission Lands of San Gabriel."

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at the city of Los Angeles, this 28th day of December, A. D. 1861.

[SEAL.]

JOHN O. WHEELER, *Clerk.*